

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 62. An act to amend section 3 (b) of the Securities Act of 1933, as amended, so as to permit exemption of security issues not exceeding \$300,000 from the provisions of such act; to the Committee on Interstate and Foreign Commerce.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 681. An act to amend the National Housing Act, as amended, and for other purposes.

BILL AND JOINT RESOLUTIONS  
PRESENTED TO THE PRESIDENT

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill and joint resolutions of the House of the following titles:

H. R. 2404. An act to increase the debt limit of the United States, and for other purposes;

H. J. Res. 141. Joint resolution making supplemental appropriations for the fiscal year ending June 30, 1945, in lieu of certain appropriations contained in H. R. 2374, Seventy-ninth Congress, first session, and for other purpose; and

H. J. Res. 115. Joint resolution relative to determination and payment of certain claims against the Government of Mexico.

## ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 57 minutes p. m.) the House adjourned until tomorrow, Thursday, March 29, 1945, at 12 o'clock noon.

## COMMITTEE HEARINGS

COMMITTEE ON WORLD WAR VETERANS'  
LEGISLATION

The Committee on World War Veterans' Legislation will meet in executive session at 10:30 a. m. on Thursday, March 29, 1945, in the committee room, 356 House Office Building.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

359. A letter from the Administrator of the Federal Security Agency, transmitting the annual report of the Federal Security Agency for the fiscal year 1944; to the Committee on Ways and Means.

360. A letter from the Administrator of National Housing Agency, transmitting copies of the personnel requirements during the fourth quarter of the fiscal year 1945; to the Committee on the Civil Service.

361. A letter from the general manager of the Tennessee Valley Authority, transmitting a report of operating revenues and expenses in connection with these facilities for the period September 1, 1944, to February 28, 1945; to the Committee on Military Affairs.

362. A letter from the Archivist of the United States, transmitting lists or schedules covering records proposed for disposal by various Government agencies; to the Com-

mittee on the Disposition of Executive Papers.

363. A letter from the Under Secretary of the Interior, transmitting copies of revised estimates of personnel requirements covering the quarter ending March 31, 1945; to the Committee on the Civil Service.

364. A letter from the Acting Attorney General, transmitting a draft of a bill to regulate the trial of condemnation proceedings; to the Committee on the Judiciary.

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. POAGE: Committee on Agriculture. H. R. 2347. A bill to provide and insure a dependable supply of domestic natural rubber, and for other purposes; with amendment (Rept. No. 401). Referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BENNET of New York:

H. R. 2814. A bill to restore to certain disabled emergency officers of World War No. 1 the benefits of the Emergency Officers' Retirement Act of May 24, 1928, to advance in rank on the retired list certain such officers, and for other purposes; to the Committee on Military Affairs.

By Mr. BLAND:

H. R. 2815. A bill to provide for a preliminary examination and survey of Harpers Creek, Mathews County, Va., and the channel connecting with the Mobjack Bay; to the Committee on Rivers and Harbors.

By Mr. KILDAY:

H. R. 2816. A bill to amend the Social Security Act; to the Committee on Ways and Means.

H. R. 2817. A bill to require payment in dollars of all pay and allowances of members of the land and naval forces; to the Committee on Military Affairs.

By Mr. MILLER of Nebraska:

H. R. 2818. A bill to make unlawful certain contracts and practices in connection with labor relations; to the Committee on Labor.

H. R. 2819. A bill to make unlawful certain agreements providing for payments by employees to labor organizations; to the Committee on Labor.

By Mr. MALONEY:

H. R. 2820. A bill to include as Spanish-American War service under laws administered by the Veterans' Administration certain service in cooperation with the War Department during the Spanish-American War; to the Committee on Military Affairs.

By Mr. PATTERSON:

H. J. Res. 146 Joint resolution to quiet the titles of the respective States and others to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles; to the Committee on the Judiciary.

## PETITIONS, ETC.

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

306. By Mr. DICKSTEIN: Petition of Robert Sperber and 30 other citizens of New York, protesting against passage of any prohibition legislation by Congress; to the Committee on the Judiciary.

307. Also, petition of Walter White and 300 other citizens of New York, protesting against passage of any prohibition legislation by Congress; to the Committee on the Judiciary.

308. By Mr. GOODWIN: Petition of the Italian-American Charitable Society, Inc., of Boston, Mass., to take immediate and unequivocal action to consolidate the status of Italy as an Allied Nation and to safeguard its rights and privileges; to the Committee on Foreign Affairs.

309. By Mr. SULLIVAN: Petition of Mr. Jordan and 29 other citizens of St. Louis, Mo., protesting against the passage of any prohibition legislation by the Congress; to the Committee on the Judiciary.

310. Also, petition of Mrs. Hamack and 31 other citizens of St. Louis, Mo., protesting against the passage of any prohibition legislation by the Congress; to the Committee on the Judiciary.

311. Also, petition of Mr. Bouman and 31 other citizens of St. Louis, Mo., protesting against the passage of any prohibition legislation by the Congress; to the Committee on the Judiciary.

312. Also, petition of Mr. Medic and 32 other citizens of St. Louis, Mo., protesting against the passage of any prohibition legislation by the Congress; to the Committee on the Judiciary.

## SENATE

THURSDAY, MARCH 29, 1945

*(Legislative day of Friday, March 16, 1945)*

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

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

Dear Lord and Father of us all,  
"We stand atremble and afraid  
On the small world that we have made—  
Afraid lest all our poor control  
Shall turn and rend us to the soul;  
Afraid lest we shall be denied  
The price we hold our ragged pride;  
But in the end we pass all by  
For a lone cross against the sky."

Turning from the self-willed pride of our blind ways, give us the grace to sit with meekness and repentance before a wooden cross at darkened noontide—a cross holding up to heaven earth's greatest Loser of Battles—and its one Conqueror. 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, March 28, 1945, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—  
APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on March 28, 1945, the President had approved and signed the following acts:

S. 77. An act for the relief of Lindon A. Long; and

S. 321. An act for the relief of James M. Hiller.

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the President pro tempore:

H. R. 2745. An act to amend section 8 of the act entitled "An act to establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures, and Markets of the District of Columbia; and for other purposes," approved March 3, 1921; and

H. J. Res. 142. Joint resolution providing for the employment of Government employees for folding speeches and pamphlets, House of Representatives.

CALL OF THE ROLL

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

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

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

Alken	Gerry	Moore
Austin	Guffey	Murdock
Balley	Gurney	O'Daniel
Ball	Hart	O'Mahoney
Bankhead	Hatch	Pepper
Barkley	Hayden	Radcliffe
Bilbo	Hickenlooper	Reed
Brewster	Hill	Revercomb
Briggs	Hoey	Saltonstall
Brooks	Johnson, Calif.	Shipstead
Buck	Johnson, Colo.	Smith
Burton	Johnston, S. C.	Stewart
Bushfield	Kilgore	Taft
Butler	La Follette	Taylor
Byrd	Langer	Thomas, Utah
Capper	Lucas	Tobey
Chavez	McCarran	Vandenberg
Connally	McClellan	Wagner
Cordon	McFarland	Wheeler
Donnell	McKellar	Wherry
Downey	McMahon	White
Ellender	Magnuson	Wiley
Fulbright	Maybank	Wilson
George	Millikin	Young

Mr. HILL. announce that the Senator from Florida [Mr. ANDREWS], the Senator from Kentucky [Mr. CHANDLER], the Senator from Mississippi [Mr. EASTLAND], the Senator from Rhode Island [Mr. GREEN], the Senator from Montana [Mr. MURRAY], the Senator from Louisiana [Mr. OVERTON], the Senator from Nevada [Mr. SCRUGHAM], the Senator from Georgia [Mr. RUSSELL], and the Senator from Oklahoma [Mr. THOMAS] are necessarily absent.

The Senator from Virginia [Mr. GLASS] and the Senator from Maryland [Mr. TYDINGS] are absent from the Senate because of illness.

The Senator from New York [Mr. MEAD], the Senator from Washington [Mr. MITCHELL], and the Senator from Delaware [Mr. TUNNELL] are absent on official business with the Special Committee to Investigate the National Defense Program.

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

The Senator from Massachusetts [Mr. WALSH] is absent on an inspection tour for the United States Navy.

Mr. WHERRY. The Senator from Michigan [Mr. FERGUSON] is absent on official business of the Senate as a member of the Special Committee to Investigate the National Defense Program.

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Indiana [Mr. CAPEHART], the Senator from New Jersey [Mr. HAWKES], the Senator from Oregon [Mr. MORSE], the Senator from Wyoming [Mr. ROBERTSON], and the Senator from Idaho [Mr. THOMAS] are necessarily absent.

The Senator from Indiana [Mr. WILLIS] is absent on official business of the Senate as a member of the committee attending the funeral of the late Representative Hon. James V. Heidinger, of Illinois.

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

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on March 28, 1945, he presented to the President of the United States the enrolled bill (S. 681) to amend the National Housing Act, as amended, and for other purposes.

PERSONNEL REQUIREMENTS

The PRESIDENT pro tempore laid before the Senate letters from the Chairman of the Securities and Exchange Commission and the Chairman and General Manager of the Smaller War Plants Commission, transmitting, pursuant to law, personnel requirements for their respective offices for the quarter ending June 30, 1945, which, with the accompanying papers, were referred to the Committee on Civil Service.

MRS. MAE E. SUTTON

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 411) for the relief of Mrs. Mae E. Sutton, which was, on page 1, line 6, to strike out "\$7,570.89" and insert "\$6,570.89."

Mr. DOWNEY. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HANDBOOK FOR SERVICEMEN AND SERVICEWOMEN

The PRESIDENT pro tempore laid before the Senate House Concurrent Resolution 37, which was read, as follows:

*Resolved by the House of Representatives (the Senate concurring),* That a revised edition of House Document No. 394, Seventy-eighth Congress, second session, entitled "Handbook for Servicemen and Servicewomen of World War II and Their Dependents, Including Rights and Benefits of Veterans of World War I and Their Dependents," be printed with corrections as a public document and that 98,300 additional copies shall be printed, of which 66,300 shall be for the use of the House of Representatives, 20,000 for the use of the Senate, 10,000 for the House document room, and 2,000 for the Senate document room.

Mr. HAYDEN. Mr. President, I ask unanimous consent for the present consideration of the concurrent resolution.

Mr. WHITE. Will not the Senator explain the measure?

Mr. HAYDEN. The concurrent resolution provides for the printing of a revised edition of a handbook for servicemen and servicewomen of World War No. 1, World War No. 2, and their dependents. It is a very valuable docu-

ment and the concurrent resolution provides for the printing of a revised edition.

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

There being no objection, the concurrent resolution was considered and agreed to.

ADDITIONAL COPIES OF HEARINGS BEFORE SPECIAL COMMITTEE TO INVESTIGATE THE NATIONAL DEFENSE PROGRAM

Mr. HAYDEN. Mr. President, by direction of the Committee on Printing I report favorably, with an amendment, Senate Resolution 90, submitted by the junior Senator from New York [Mr. MEAD] on March 2, 1945, and ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the clerk will state the amendment.

The CHIEF CLERK. It is proposed on page 1, line 2, to strike out the words "and each subsequent part", so as to make the resolution read:

*Resolved,* That 1,000 additional copies of part 25 of the hearings held before the special committee of the Senate authorized and directed to make a study and investigation of the operation of the national defense program be printed for the use of said committee.

The amendment was agreed to.

The resolution as amended was agreed to.

PRINTING OF ADDITIONAL COPIES OF SENATE REPORT NO. 101, RELATING TO INVESTIGATION OF PRESIDENTIAL, VICE PRESIDENTIAL, AND SENATORIAL CAMPAIGN EXPENDITURES DURING 1944

Mr. HAYDEN. I report favorably from the Committee on Printing, without amendment, Senate Resolution 107, and ask for its immediate consideration.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the resolution (S. Res. 107) submitted by Mr. GREEN on March 22, 1945, was considered and agreed to, as follows:

*Resolved,* That 1,000 additional copies of Senate Report No. 101, current session, submitted pursuant to Senate Resolution 363, Seventy-eighth Congress, by the special committee authorized and directed to make a complete study and investigation of Presidential, Vice Presidential, and senatorial campaign expenditures during the year 1944, be printed for the use of said committee.

PRINTING OF HISTORICAL STATEMENT OF LAWS AND REGULATIONS RELATING TO VETERANS AND THEIR DEPENDENTS

Mr. HAYDEN. From the Committee on Printing I report favorably without amendment House Concurrent Resolution 38, and ask for its immediate consideration.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the concurrent resolution (H. Con. Res. 38) was considered and agreed to, as follows:

*Resolved by the House of Representatives (the Senate concurring),* That the historical statement of the laws enacted and the regulations promulgated relating to veterans and their dependents, with a complete statement



regarding expenditures for hospital and domiciliary construction, be printed as a House document, and that 91,300 additional copies shall be printed, of which 66,300 copies shall be for the use of the House of Representatives, 20,000 for the use of the Senate, 2,000 for the use of the Committee on World War Veterans' Legislation of the House of Representatives, 2,000 for the House document room, and 1,000 for the Senate document room.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ELLENDER, from the Committee on Claims:

S. 359. A bill for the relief of Mrs. Ellen McCormack; without amendment (Rept. No. 131);

H. R. 933. A bill for the relief of Margaret G. Potts; without amendment (Rept. No. 132);

H. R. 945. A bill for the relief of Fred Clouse and Mrs. Emily G. Clouse; without amendment (Rept. No. 133);

H. R. 1344. A bill for the relief of George Webb; without amendment (Rept. No. 134);

H. R. 1539. A bill for the relief of Dr. David R. Barglow; without amendment (Rept. No. 135); and

H. R. 1716. A bill for the relief of Mrs. Sue B. Bowen, as administratrix of the estate of Clyde Bowen, deceased; without amendment (Rept. No. 136).

By Mr. O'DANIEL, from the Committee on Claims:

S. 78. A bill for the relief of Frances Eubanks Oates; with amendments (Rept. No. 137);

H. R. 1325. A bill for the relief of Hyman L. Schiffer; with amendments (Rept. No. 138);

H. R. 1483. A bill for the relief of Mrs. W. V. Justice; without amendment (Rept. No. 139);

H. R. 1676. A bill for the relief of the Daniel Baker Co., of Manchester Ky.; without amendment (Rept. No. 140); and

H. R. 2055. A bill for the relief of Ben Grunstein; without amendment (Rept. No. 141).

By Mr. JOHNSTON of South Carolina, from the Committee on Claims:

H. R. 1012. A bill for the relief of A. P. Scarborough and J. D. Ethridge; without amendment (Rept. No. 142);

H. R. 1492. A bill for the relief of Florence J. Spert, administratrix of the estate of Leona Connor Childers; without amendment (Rept. No. 143); and

H. R. 1567. A bill for the relief of Katherine Smith; with an amendment (Rept. No. 144).

By Mr. McMAHON, from the Committee on Claims:

H. R. 266. A bill for the relief of the Southern Bitumen Co., of Ensley, Ala.; without amendment (Rept. No. 145);

H. R. 787. A bill for the relief of Murray B. Latimer; without amendment (Rept. No. 146);

H. R. 1094. A bill for the relief of the Jay Taylor Cattle Co., Amarillo, Tex.; without amendment (Rept. No. 147); and

H. R. 1669. A bill for the relief of Mrs. Dorothy Stowell; with an amendment (Rept. No. 148).

By Mr. CAPPER, from the Committee on Claims:

S. 328. A bill for the relief of James A. Kelly; with amendments (Rept. No. 149).

By Mr. TAYLOR, from the Committee on Claims:

S. 498. A bill for the relief of W. C. Wornhoff and Josephine Wornhoff; with amendments (Rept. No. 150);

H. R. 791. A bill for the relief of H. J. Blehrud estate; without amendment (Rept. No. 151); and

H. R. 1324. A bill for the relief of Leo Edward Day and Phillip Tamborello; without amendment (Rept. No. 152).

By Mr. WHERRY, from the Committee on Claims:

H. R. 934. A bill for the relief of Charles H. Dougherty, Sr.; without amendment (Rept. No. 153).

By Mr. McKELLAR (for Mr. GLASS), from the Committee on Appropriations:

H. R. 2252. A bill making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1946, and for other purposes; with amendments (Rept. No. 154).

#### BILL INTRODUCED

Mr. McCARRAN (by request) introduced a bill (S. 802) to regulate the trial of condemnation proceedings, which was read twice by its title and referred to the Committee on the Judiciary.

#### THE JEWISH LEGIONS IN WORLD WAR NO. 1—ADDRESS BY SENATOR JOHNSON OF COLORADO

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD an address entitled "The Jewish Legions in World War No. 1," delivered by him at a meeting held under the auspices of the New Zionist Organization of America, in New York City on March 18, 1945, which appears in the Appendix.]

#### FLORIDA'S CENTENNIAL—ADDRESS BY SENATOR PEPPER

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an address delivered by him on March 3, 1945, in the Coolidge auditorium of the Library of Congress, Washington, D. C., on the occasion of the one hundredth anniversary of the admission of the State of Florida into the Union, which appears in the Appendix.]

#### ADDRESS BY HON. JAMES A. FARLEY BEFORE FOREIGN COMMERCE CLUB

[Mr. BAILEY asked and obtained leave to have printed in the RECORD an address delivered by Hon. James A. Farley before the Foreign Commerce Club at New York City on March 20, 1945, which appears in the Appendix.]

#### ADDRESS BY ANTHONY A. OLIS AT AMERICAN-LITHUANIAN MISSION DINNER

[Mr. TOBEY asked and obtained leave to have printed in the RECORD an address delivered by Anthony A. Olis, cochairman of the American-Lithuanian Mission, at a dinner in Washington, D. C., on March 23, 1945, which appears in the Appendix.]

#### OFFICIAL STATEMENTS ON FOREIGN POLICY BY NATIONAL ORGANIZATIONS—LETTER FROM ULRIC BELL

[Mr. McMAHON asked and obtained leave to have printed in the RECORD a letter dated March 9, 1945, addressed to the President of the United States by Ulric Bell, executive vice president, Americans United for World Organization, Inc., together with an enclosure entitled "Official Statements on Foreign Policy by National Organizations," which appear in the Appendix.]

#### PROPOSAL FOR JOINT EXECUTIVE-LEGISLATIVE CABINET—ARTICLE BY GOULD LINCOLN

[Mr. FULBRIGHT asked and obtained leave to have printed in the RECORD a column by Gould Lincoln entitled "The Political Mill," from the Washington Star of March 27, 1945, which appears in the Appendix.]

#### COMMENT ON MEMORIAL DINNER TO AUBREY WILLIAMS

Mr. BILBO. Mr. President, my attention has just been called to a story in one of the Washington papers of a funereal, memorial dinner that was held last night at one of the local hotels in

memory of the passing of one Aubrey Williams. Some of the chief mourners alleged to have been present were Mrs. Roosevelt, Secretaries Wallace and Wickard, and a distinguished Republican Senator.

The Secretary of Commerce, who has just recently encountered considerable delay and trouble in getting over a senatorial hurdle, was bold to declare that notwithstanding the very decided and affirmative rejection of Williams and his governmental philosophies by the Senate, he need not worry about a job in the Government. Personally, I think that the head of any Government agency, or even the President for that matter, would show very poor judgment in defying the good will of the Senate, which refused by such a decided majority to advise and consent to the use of this man in the administration of governmental affairs, by giving Williams any appointment in the Government.

Mrs. Roosevelt's presence, together with her audacious statement that Williams is a leader of democracy, will be hard for a great many Senators and Democratic leaders to understand. She asserted that the cause of liberalism "had not even lost a round" with the defeat of Mr. Williams.

Now, I, who claim to be at least a quasi liberal in Government, would like to suggest to the mourners on this occasion that if they propose to hold up Williams with his record and announce him as the leader and spearhead of American liberalism, the Democratic Party will have to do a little house cleaning or our Republican friends will have little trouble in taking over.

The American people can stand a whole lot to maintain party loyalty, but they will eventually get fed up on certain philosophies advanced by quack leaders.

The only job in the Democratic administration, in my judgment, that Williams could properly fill would be in the so-called F. E. P. C., if and when it shall be established by law, or it may be that Henry Wallace could find him an assignment to Liberia in his foreign commerce set-up, where Williams could find a full and complete outlet for his views, sentiments, and philosophies.

#### THE YUGOSLAV PARTISANS—EXCERPT FROM ARTICLE BY F. A. VOIGT IN THE NINETEENTH CENTURY AND AFTER

Mr. WHEELER. Mr. President, I hold in my hand the publication, *The Nineteenth Century and After*, one of the oldest magazines published in Great Britain, which is edited by F. A. Voigt, who was formerly editor of the *Manchester Guardian*, and one of the ablest editors in Great Britain. He has written an article entitled "Greece, Yugoslavia, and Poland," which appeared in the February 1945 issue of *The Nineteenth Century and After*. In the article, on page 54, he tells of what is going on in Yugoslavia, as follows:

The Yugoslav Partisans have achieved what the Greek Partisans failed to achieve. They are masters of "liberated" Yugoslavia. They occupied Belgrade in September 1944. But they established such a reign of terror that the population rose against them and turned them out. After 3 days they returned, and with Russian help recaptured the city.

A massacre followed and the reign of terror was reestablished. It is today raging wherever Tito and his Partisans are in control. Mr. Churchill said in the House of Commons on January 18 Marshal Tito "is undoubtedly at this time its (Yugoslavia's) undisputed master." Yet he represents but a small minority of its people.

He has been made so by Great Britain, much more so than by Russia, for it is with the help of British arms and supplies and British propaganda that he has been able to conquer his own country, a country which repudiates his political principles and regards him with loathing as a peculiarly inhuman usurper, tyrant, and extortioner. So much so that it is hard to believe that his conquest can endure. Despite his immense superiority in arms, he is so intolerable a tyrant that he can hardly fail to engender a national rising which must destroy him and his Partisans unless they continue to receive help from outside. Having been placed in power, he must be kept in power if he is to remain there.

Mr. President, I have read the first two paragraphs of chapter 2 of the article entitled "Greece, Yugoslavia, and Poland." I ask unanimous consent that the remainder of chapter 2 be printed in the RECORD at this point as a part of my remarks.

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

The remainder of chapter 2 is as follows:

Today, the heads of innumerable peasant and farming families are being murdered in Yugoslavia. There is a systematic annihilation of the elite of Serbia. The populations of whole districts are taking refuge in the mountains where they are exposed to death by cold and starvation. Terrorist tribunals are being set up, the ordinary courts are being suspended, and all who are suspected of patriotism, especially Serbian patriotism, are sentenced to death or to confinement in concentration camps. The camps at Paratsin, Sabats, and Mladenovats are being filled. The concentration camp which the German Gestapo had established near Banjitsa and had filled with Chetniks—that is to say, with Yugoslav patriots, who fought under the command of Gen. Draza Mihailovitch, is now filled with Chetniks once more.

In Yugoslavia, as in Greece, the Partisans, as they came under ever-increasing communistic influence, which is now an undisputed leadership, followed the familiar communistic principle that international war must be transformed into civil war. It was against the Chetniks, who are the embodiment of Serb patriotism, the farmers, whether Serb, Croat, or Slovene, the trade-unions, the cooperatives, and the whole social order (and not merely the military clique and the bureaucrats of Belgrade)—it was against these, more than against the Germans, that the Partisans wanted arms, as it is for this that they are now chiefly using them. It is true that the Partisans have fought the Germans. But to them the war with the Germans was secondary, the civil war primary.

Mr. Churchill said in the House of Commons on February 22, 1944, that in the autumn of 1941, Tito's forces unhappily, perhaps inevitably, came into collision with those under General Mihailovitch. On June 20, 1944, Mr. Churchill said that "some of the leaders under General Mihailovitch's command have, so far from fighting the Germans, directed their efforts against the Partisans."

Tito has himself admitted that the Partisans were the first to attack the Chetniks. Today, General Velebit, who has visited London as the personal envoy of Tito and has been mentioned in flattering terms by Mr.

Churchill, informs us that "the fight against these elements (i. e., men serving under Mihailovitch) was as vital for the peoples as the fight against the foreign invader."

A few examples—many more could be given—will illustrate the situation:

At the end of October 1942, the town of Sokolats, with a garrison of 500 Germans and 1,000 Ustashis (the Croatian forces under the German-controlled Croatian terrorist, Ante Pavelitch), was besieged by the Chetniks. During the siege, Partisans attacked the Chetniks from the rear, with the result that the Germans were able to escape. At the end of October 1941, Chetniks and Partisans conducted combined operations against the Germans near Chachak. The Partisans gave up the fight and left the Chetniks to finish it alone. The Germans were expelled from the town, whereupon the Partisans returned and massacred 80 of the Chetnik wounded.

About the same time there were combined operations against Kraljevo. It was agreed that the Chetniks should take the town from the northeast, the Partisans from the southwest. The Chetniks engaged a German armored force (they themselves had neither armor nor artillery). The Partisans occupied the railway station, which is outside the town, and made off by train.

Until the conference at Teheran in September 1943, General Mihailovitch had at least the moral support of Great Britain. He was under the command of Gen. Sir Maitland Wilson. His orders were not to risk his men unnecessarily and to economize ammunition. He received almost no arms or stores from Great Britain. He only engaged the enemy when to do so served a serious purpose. In the spring of 1943, the Germans, Bulgars, and Ustashis undertook combined operations against him but the operations failed after heavy fighting. He refrained as far as possible from provoking reprisals that meant the deaths of hundreds of hostages or the annihilation of entire villages. He prepared, both in accordance with his own belief and his instructions, for that time when the Allies would invade Yugoslavia and he himself would lead an armed rising on a national scale. It was not a vain hope—it would have been realized by now and there would today be no Germans left in Yugoslavia if General Mihailovitch had received but half the help and a fraction of the encouragement that were given to Tito.

But after the conference at Teheran, the strategy of the Allied Powers changed. The main invasion of Europe was to be in the west and not in the Balkans. In the mistaken belief that a wild guerrilla would seriously menace the Germans in the Balkans, cautious and calculatory strategy was abandoned. A wild guerrilla was started. It meant fearful losses, not to the Partisans but to the civilian population, through reprisals, and it did little injury to the Germans. General Mihailovitch would not depart from his own strategy and engage in such futile and inhuman tactics. He knew that what would count most in the end was national unity, that the only decisive weapon was the united nation in arms.

It was this that exposed him to the charge of not fighting. He was described as a traitor, and was denounced in a defamatory campaign in which the B. B. C. played an ignoble part. Mr. Churchill did not himself stoop so low as this, but he did, on February 22, assert that some of General Mihailovitch's commanders made accommodation with the enemy.

That he made accommodations with the Italians is certain. But why? To obtain arms and ammunition by barter, so as to continue the fight with the Germans, for he was desperately short. We are unaware of any accommodations made by his com-

manders with the Germans and Mr. Churchill gave no instance. Some accommodations may even be justified in so varied a war, in which so many different forces and causes are in conflict, and in which even the most barbarous captain may consent to a truce so that the dead can be buried, the wounded exchanged, or the civilian population can water their cattle.

Tito's commanders made an accommodation on July 3, 1944. The Partisans near Gorizia signed an armistice with the local German commander by which they agreed not to approach within 10 kilometers of the German garrison. The Germans agreed not to come within 10 kilometers of Partisan concentrations, and to let the Partisans have arms and medical supplies. We are not saying that the Partisans acted rightly or wrongly. No one can judge, unless the precise situation at the time is known. But we can well imagine what publicity would have been given to this accommodation if it had been made by General Mihailovitch.

The Partisans have again and again denounced Chetniks to the Germans. Ustashis have joined the Partisans in growing numbers. The Partisan movement has become a refuge for men who are afraid of being tried as war criminals. The present Yugoslav Government in London, a mere means to promote Tito's ends, is composed of docile non-entities. The Minister of War, Mr. Ristitch, had been interned by the Germans in Yugoslavia. They released him when he promised to keep a certain attitude toward them.

Of all the dirt thrown at Mihailovitch for more than a year, not one spot has stuck. Not one of the charges against him has been proved. He emerges as a man of exceptional foresight, of iron courage and conviction, of purest patriotism, and of unstained honor.

Mr. Churchill, in his speech on January 18, said that the agreement between Great Britain and Russia with regard to Yugoslavia "raised no question of division of territory or spheres of interest after the war."

But there is, in effect, division of territory during the war. The presence of an army of occupation always has profound consequences, as we see in Greece and Yugoslavia. In Greece the Partisans have failed, in Yugoslavia they have prevailed. It would be impossible for the Yugoslav Partisans to perpetrate the atrocities they are perpetrating if British troops were in Belgrade as they are in Athens.

Different zones of military operations will become different spheres of influence. One of the consequences of the agreements negotiated at Teheran is that Yugoslavia has lost her independence, just as Poland has; that for the first time in modern history British influence has been eliminated from the Balkans (with the exception of Greece); that the balance of power in Europe has not been restored by the war; and that new and gigantic problems have been created for Great Britain.

Today Tito is not fighting the Germans seriously because he has other things to do. He boasted at one time that he commanded an army of 300,000 men. What are these men doing now with the arms and the ammunition they have received from their British allies?

And what is Mihailovitch doing, who for years has been short of ammunition, who received a little from Great Britain a long time ago, and has had nothing since?

One example must suffice:

In September of the present year a force of Chetniks, led by Lieutenant Colonel Kserovitch, serving under the command of General Mihailovitch, established contact with the commander of an advancing Russian unit and, with his consent, attacked the town of Krusevats, which was strongly held by Germans. The battle lasted for 2 days. The losses were heavy. The Germans were de-



feated and the garrison, some 7,000 strong, were killed or taken prisoner. Thirteen German tanks were destroyed or captured.

The Russian commander was then invited by General Mihailovitch to occupy the town with his men. A reception was prepared in his honor. He consented, but, observing the monogram of the Yugoslav royal family on the sleeve of Lieutenant Colonel Keserovitch's tunic, he requested that it be removed and replaced by the Soviet Star. He then ordered the Chetniks to report and surrender their arms. Thereupon Lieutenant Colonel Keserovitch ordered his men to leave the town.

They did so, and withdrew in the direction of Mount Jastrebat, taking their arms with them.

Mr. WHEELER. Mr. President, I commend this article to Members of the Senate to read, because Mr. Voigt is one of the best informed writers in Great Britain. He sets forth succinctly what is going on in Yugoslavia, as in other articles he has set forth what went on in Greece and what is going on in Poland which has now been taken over by Russia. I desire to call attention to the last paragraph of chapter 3, on page 70, which forms the conclusion of the entire article, as follows:

In any case, an entirely new order, and one unprecedented in the history of the world, is emerging before our eyes in eastern Europe. The question is: How far westward will it extend? As far as the Elbe? Or the Rhine?

And then he says rather sarcastically:

It is reassuring to learn from Mr. Churchill that, whatever happens, "the Union Jack of freedom will forever fly from the cliffs of Dover."

#### UTILIZATION OF MANPOWER RESOURCES—CONFERENCE REPORT

The Senate resumed consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1752) to amend the Selective Training and Service Act of 1940, and for other purposes.

The PRESIDENT pro tempore. The Senator from Wyoming [Mr. O'MAHONEY] is entitled to the floor.

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

Mr. O'MAHONEY. I yield.

Mr. MOORE. Mr. President, I ask unanimous consent to have printed in the RECORD a telegram which I have just received from the Associated Industries of Oklahoma. I concur in the views expressed in this telegram concerning the so-called manpower bill. In my opinion, the bill will not have the effect of improving the manpower situation, but it will have the reverse effect. I consider the bill unnecessary, unworkable, and productive of aggravation of the manpower problem.

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

OKLAHOMA CITY, OKLA., March 28, 1945.  
Senator E. H. MOORE,

Senate Office Building, Washington, D. C.:  
Have just seen text of conference report on manpower bill which passed House yesterday by close vote. It should not be overlooked that freezing people on jobs will un-

questionably slow war production inasmuch as there will be a tremendous exodus from job freezing plants. In view of favorable war conditions respectfully suggest that Senate consideration of bill be deferred temporarily at least. We would like to see it killed entirely as we see no need for such legislation at this time.

ASSOCIATED INDUSTRIES OF OKLAHOMA,  
E. J. O'CONNOR.

Mr. McCARRAN. Mr. President, will the Senator from Wyoming yield to me? Mr. O'MAHONEY. I yield.

Mr. McCARRAN. I send to the desk an agreement entered into by the representatives of the American Federation of Labor, the United States Chamber of Commerce, and the C. I. O., made public at a joint press conference at noon, March 28.

Mr. President, if this agreement were merely printed in the CONGRESSIONAL RECORD, it might be overlooked. By reason of the influences and power behind the agreement its significance is such that I believe the Senate of the United States should listen to its reading at this time. It is quite brief, and I ask unanimous consent that it may be read at the desk.

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

Mr. O'MAHONEY. Mr. President, before the agreement is read I desire to state that it had been my purpose during the course of the remarks I am about to make on the pending business, to refer to the agreement which the Senator from Nevada has now asked to have read from the desk. I concur in his request. In concurring, however, Mr. President, I desire to point out that this charter of industrial cooperation just completed by the spokesmen of the United States Chamber of Commerce and the leaders of the American Federation of Labor and of the C. I. O. is the best possible evidence that there is no necessity for the measure we are asked to support in the conference report. This is a demonstration of the capacity of a democracy to function in a free way. It is a demonstration of the complete lack of reason for applying force to the civilian population of the greatest republic that ever existed on the face of the globe. I am extremely happy that the Senator from Nevada has requested the reading of this charter from the desk.

Mr. McCARRAN. Mr. President, just one word before the agreement is read. I concur in every expression made by the Senator from Wyoming. If we were to adopt the conference report which is now before the Senate I think it would be one of the most flagrant slaps in the face we have ever given free American labor. Especially is that true when we find the sentiment and intent prevailing among the leaders of labor and among the great body of labor that they are ready, willing, and able to go forward and perform more than has been performed in any other country of the world, and exert greater and greater efforts as necessity presents itself.

The PRESIDENT pro tempore. Without objection, the clerk will read as requested by the Senator from Nevada.

The Chief Clerk read as follows:

AGREEMENT ENTERED INTO BY REPRESENTATIVES OF THE AMERICAN FEDERATION OF LABOR, THE UNITED STATES CHAMBER OF COMMERCE, AND THE CONGRESS OF INDUSTRIAL ORGANIZATIONS, MARCH 28, 1945

We in management and labor firmly believe that the end of this war will bring the unfolding of a new era based upon a vastly expanding economy and unlimited opportunities for every American.

This peacetime goal can only be attained through the united effort of all our people. Today we are united in national defense. Tomorrow we must be united in the national interest.

Management-labor unity, so effective in boosting war production to unprecedented heights, must be continued in the post-war period. To this end, we dedicate our joint efforts for a practical partnership within the framework of this code of principles:

1. Increased prosperity for all involves the highest degree of production and employment at wages assuring a steadily advancing standard of living. Improved productive efficiency and technological advancement must, therefore, be constantly encouraged.

2. The rights of private property and free choice of action, under a system of private competitive capitalism, must continue to be the foundation of our Nation's peaceful and prosperous expanding economy. Free competition and free men are the strength of our free society.

3. The inherent right and responsibility of management to direct the operations of an enterprise shall be recognized and preserved. So that enterprise may develop and expand and earn a reasonable profit, management must be free from unnecessary governmental interference or burdensome restrictions.

4. The fundamental rights of labor to organize and to engage in collective bargaining with management shall be recognized and preserved, free from legislative enactments which would interfere with or discourage these objectives. The process of collective bargaining between labor and management shall be encouraged and promoted. Through the consummation of collective bargaining agreements, differences between management and labor shall be disposed of between the parties through peaceful means, thereby discouraging avoidable strife through strikes and lock-outs.

5. The independence and dignity of the individual and the enjoyment of his democratic rights are inherent in our free American society. Our purpose is to cooperate in building an economic system for the Nation which will protect the individual against the hazards of unemployment, old age, and physical impairments, beyond his control.

6. An expanding economy at home requires a vastly increased foreign trade. Arrangements must therefore be perfected to afford the devastated or undeveloped nations reasonable assistance to encourage the rebuilding and development of sound economic systems. International trade cannot expand through subsidized competition among the nations for diminishing markets but can be achieved only through expanding world markets and the elimination of any arbitrary and unreasonable barriers.

7. An enduring peace must be secured. This calls for the establishment of an international security organization, with full participation by all the United Nations, capable of preventing aggression and assuring lasting peace.

Management and labor both agree that their primary duty is to win complete victory over nazi-ism and Japanese militarism. They also agree that they have a common

joint duty, in cooperation with other elements of our national life and with government, to prepare and work for a prosperous and sustained peace. In this spirit they agree to set up a national committee, composed of representatives of business and labor organizations. This committee will seek to promote an understanding and sympathetic acceptance of this code of principles and will propose such national policies as will advance the best interests of our Nation.

Mr. O'MAHONEY subsequently said: Mr. President, in view of the fact that the Senator from Nevada introduced and had read from the desk the proposed labor-management code, I think it may be appropriate to have printed in the RECORD immediately following the discussion of that code an article from the New York Times of this morning, a news story, telling about the adoption of the code. I desire particularly to call attention to the fact that, according to the report, a committee of 12 persons has been appointed to promote an understanding of the proposal.

I wish to read the names of the 12 members who have been designated: For industry, Eric Johnston, president of the Chamber of Commerce of the United States; Paul G. Hoffman, president, the Studebaker Corporation; Henry J. Kaiser, president of the Henry J. Kaiser Co., Oakland, Calif.; Otto A. Seyfert, president of West Michigan Steel Foundries, Muskegon, Mich., and chairman of the chamber's committee on labor relations; E. J. Thomas, president of the Goodyear Tire & Rubber Co., of Akron; J. D. Zellerbach, president and director of Crown-Zellerbach, San Francisco.

For labor, the members are William Green, president of the American Federation of Labor; Philip Murray, head of the C. I. O.; George Meany, secretary-treasurer of the American Federation of Labor; Robert J. Watt, international representative of the American Federation of Labor; R. J. Thomas, president of the United Automobile Workers, C. I. O.; and Sidney Hillman, president of the Amalgamated Clothing Workers, C. I. O.

Mr. President, I ask unanimous consent that the story from the New York Times, by Joseph A. Loftus, be printed in the RECORD immediately following the charter.

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

[From the New York Times of March 29, 1945]  
BUSINESS AND LABOR FRAME PEACE CODE—  
JOHNSTON, OF CHAMBER; GREEN, OF A. F. OF  
L.; AND MURRAY, OF C. I. O., OFFER NEW  
POST-WAR PLAN

(By Joseph A. Loftus)

WASHINGTON, March 28.—Three spokesmen for business and organized labor signed today a new charter of principles which they conceived as a guide to post-war industrial relations in the conviction that an essential for maximum production and peacetime prosperity was a minimum of strife and suspicion.

The signers were Eric Johnston, president of the Chamber of Commerce of the United States; William Green, president of the American Federation of Labor; and Philip Murray, president of the Congress of Industrial Organizations.

The National Association of Manufacturers was not a participant, but Mr. Johnston said

he hoped it would eventually subscribe to the charter.

Based on a mutual recognition of each other's prerogatives and responsibilities, the charter sets forth these guides and objectives for management and labor:

Encouragement of productive efficiency and technological advancement with a view to steadily improving standards of living; respect for the rights of private property and free choice of action; recognition of management's right to manage free of unnecessary governmental interference or burdensome restrictions; recognition of the right to organize and bargain collectively without hindrances; cooperation in protection of the individual against involuntary unemployment and the hazards of old age and physical impairments; increased foreign trade and reasonable assistance to other countries; establishment of an international security organization and a national business-labor committee to promote better understanding at home.

#### THREE FRAMERS CONGRATULATED

Dr. George W. Taylor, Chairman of the W. L. B., immediately congratulated the charter framers "on their vision and statesmanship." He said the action inspired confidence in "the future well-being of the entire Nation."

The three leaders said the charter would be submitted to the executive bodies of their respective organizations at the first opportunity.

The charter calls for establishment of a committee of 15 or 20 who will seek to promote an understanding and sympathetic acceptance of this code of principles and will propose such national policies as will advance the best interest of our nations.

Twelve members of the committee have been designated, as follows:

For industry: Mr. Johnston; Paul G. Hoffman, president, the Studebaker Corporation; Henry J. Kaiser, president of the Henry J. Kaiser Co., Oakland, Calif.; Otto A. Seyferth, president of West Michigan Steel Foundries, Muskegon, Mich., and chairman of the chamber's committee on labor relations; E. J. Thomas, president of the Goodyear Tire & Rubber Co., of Akron; J. D. Zellerbach, president and director of Crown-Zellerbach, San Francisco.

For labor: Mr. Green; Mr. Murray; George Meany, secretary-treasurer of the A. F. of L.; Robert J. Watt, international representative of the A. F. of L.; R. J. Thomas, president of the United Automobile Workers, C. I. O.; and Sidney Hillman, president of the Amalgamated Clothing Workers, C. I. O.

#### WILL INCLUDE SOUTHERN GROUP

Mr. Johnston announced that the committee members still to be designated would include industrialists from the South.

The charter was made public at a press conference at the Chamber of Commerce Building which drew a large attendance, including newsreel cameramen.

As acting chairman, the chamber president told the news conference that he envisioned two possible roads which the country might take after the war, one leading to "high levels of production, employment, and wages, and ability to service our huge national debt. In other words—prosperity."

"The other," he said, "leads to fewer jobs, lowered incomes, and inability to service our national debt. In other words—eventual bankruptcy."

Mr. Johnston said the framers of the charter recognize it is not a perfect instrument.

"It is dynamic, not static, but it is a beginning," he asserted.

Mr. Murray, addressing the newsmen said: "The plan is conceived to help America. It does not constitute a collusive agreement designed to operate against the interests of any group in the United States."

He expressed his appreciation to Mr. Johnston and the chamber and to Mr. Kaiser, who, he said, "participated in all our meetings and who loaned his services and ingenuity" toward perfecting the charter. The C. I. O. president said that while the charter was an understanding among three organizations it nevertheless constitutes a proposal which, through the medium of this meeting, is being submitted to the people of the United States for their approval.

Mr. Green said that through the new document "the area of controversy is reduced."

"The area of agreement is increased," he stated. "I feel confident that labor and management throughout this Nation will subscribe wholeheartedly and accept this code of principles without reservation."

The A. F. L. president said the charter was not perfect and will not eliminate strikes altogether.

"We can reduce them," he said. "We can substitute cooperation and understanding for bitterness and strife."

Asked about the absence of the N. A. M., Mr. Johnston said a representative of that organization sat in on one conference and was invited to two others and "we hope they will participate."

He also was asked about the participation of railroad brotherhoods and other independent unions. He replied that "that's up to the committee," and added that they had not been invited so far to take part.

Mr. Johnston said he knew of no opposition to the charter and that he did not know why the N. A. M. had not joined.

The three men were asked how the organizations for which they spoke would be bound by the charter. Mr. Johnston and Mr. Murray said its adoption by the executive boards of their organizations would make the charter constitutionally binding. Mr. Green said the charter would be submitted to the A. F. of L. executive council, and remarked that during the war "the workers made an amazing record."

"I am sure they will continue in that spirit," he added.

The statement issued by Dr. Taylor, W. L. B. chairman, said:

"Leaders of labor and industry who today signed the new charter for labor and management are to be congratulated on their vision and statesmanship. Their pledge of respect for each other's fundamental rights and their promise of cooperative effort involve much more than harmonious labor relations after the war—important as that is. This outstanding advance of democratic principles in the industrial field inspires confidence in the future well-being of the entire Nation.

"This charter's emphasis on the substitution of collective bargaining for strikes and lock-outs in settling disputes between management and labor promises to aid materially in the rapid reconversion of our industrial resources to peacetime production and that high level of consumption we all seek."

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

Mr. O'MAHONEY. I yield.

Mr. SALTONSTALL. Mr. President, I agree with the sentiments expressed in the document which has just been read at the desk. I believe it is a great step forward, and I hope that the parties to the agreement will keep the ball rolling.

Let me say respectfully to the distinguished Senator from Wyoming that I do not entirely agree with his interpretation of the document. I believe that we have entrusted the leadership of our armed forces to General Marshall and Admiral King; and when they request something of us to win the war more quickly, or save the life of one American boy, I prefer to follow their advice in



matters of such importance. I make that statement most respectfully in reply to what the Senator has stated.

Mr. O'MAHONEY. Mr. President, the remarks of the distinguished and able Senator from Massachusetts prompt me to say that when the framers of the Constitution of this country drafted that immortal document they were very careful to provide that the civilian power should remain in complete charge of the Government and of the military forces. Not only did they provide that the President should be the Commander in Chief, but they also provided that it should be the duty of Congress to declare war, and to raise and support armies. The responsibility for making the judgment upon which the lives of American boys may be expended lies in the Congress. It is not a responsibility to be lightly tossed into the laps of the leaders of our military power.

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

Mr. O'MAHONEY. I yield.

Mr. WHEELER. I must confess that I was quite surprised at the statement of the distinguished Senator from Massachusetts, the State from which the ancestors of the Senator from Wyoming and my ancestors came. I was surprised to hear him say that he wished to turn over to the military authorities whatever they wanted. If there was one State in the Union which fought against permitting the armed forces to usurp the powers of the civilian population, it was the State of Massachusetts. Some of the people of that State were my ancestors, who landed there back in 1634.

Mr. O'MAHONEY. I thank the Senator for having interjected that remark.

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

Mr. O'MAHONEY. I am happy to yield to the Senator from New Mexico.

Mr. HATCH. I rise to the defense of the Senator from Massachusetts.

Mr. WHEELER. He needs no defense, I am sure.

Mr. O'MAHONEY. I am sure the Senator from Massachusetts needs no defense. No one is attacking him.

Mr. HATCH. Mr. President, I rose only to say that the Senator from Massachusetts, as I understood him, did not advise that Congress abdicate its powers and surrender them to the military authorities. The very constitutional authority the Senator from Wyoming has quoted, which places full responsibility upon the Congress of the United States, impels every one of us to get the best advice and the best information we can obtain. As I understood the Senator from Massachusetts, he said that for military matters he relied upon military men. Mr. President, I personally have no objection whatever to that attitude.

Mr. O'MAHONEY. I am glad the Senator from New Mexico has made that remark, because at this time we are not dealing with military matters. We are dealing with civilian matters. We are not now dealing with the distribution of the armed forces. We are not now dealing with matters of military strategy. We are not now dealing with mat-

ters of naval strategy. We are dealing now with the sole problem of production. Mr. President, when the time comes to seek advice upon production, I go to the experts on production, the spokesmen for management, the spokesmen for labor, who have been unanimous in their testimony, both to the House committee and to the Senate committee, that to follow the course marked out in this bill would be to destroy the capacity of America to produce.

So, Mr. President, my judgment is—and, of course, I can dictate my action only according to my own judgment—my judgment is that I will do more to preserve the lives of American boys fighting upon the battle fronts of Europe and of Asia by following the advice of the experts on production, who tell us that it would introduce confusion on the mass-production lines to follow the policy outlined in the vague, unstandardized, and unrestrained measure which is before us.

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

Mr. O'MAHONEY. I yield.

Mr. HATCH. I do not wish to interrupt the Senator from Wyoming.

Mr. O'MAHONEY. I welcome the interruption.

Mr. HATCH. But later in the debate, in my own time, I shall discuss the question which the Senator has been discussing. Nevertheless, when the Senator has said that the furnishing of supplies of military equipment is not a military matter, I do not want that statement to go unanswered at this time. What good is a sailor without a ship, or a soldier without a gun?

During the course of the debate I shall quote the words of the man who is directly responsible for the production of war materials, Mr. Krug, the man upon whom the Congress has placed the responsibility. I say with all due regard to the Senator from Wyoming that Congress did not say to management, "You are responsible for this," because, as a matter of fact, management itself denied its responsibility. I say to the Senator from Wyoming that we did not place upon the leaders of organized labor the responsibility for production; but we did place upon responsible officials of this Government, men for whom the Senator voted and for whom I voted, the tremendous task of production; and before this debate is concluded I shall tell the Senator what those men say about this matter.

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

Mr. O'MAHONEY. I yield.

Mr. WHEELER. I really should correct the record, in order to be able to say, as Al Smith used to say, "Let's look at the record."

I am sure the Senator misspoke himself when he said Congress placed the responsibility on Mr. Krug. Congress did not do that. The executive department did it. Congress passed the laws which enabled the executive department to place the responsibility on Mr. Krug,

but the executive department placed Mr. Krug in office.

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

Mr. O'MAHONEY. I yield.

Mr. HATCH. Certainly the Congress did not appoint Mr. Krug, but the Congress passed the First War Powers Act and the Second War Powers Act, and I am quite sure that all of us voted for them, almost without exception. Under that mandate and under that authority responsibility was placed upon responsible officials, of whom Mr. Krug happens to be the head at this time.

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

Mr. O'MAHONEY. I yield.

Mr. CHAVEZ. In many instances I disagree with my colleague, and he knows that when I do so it is in good faith. Let me say that I would have more confidence in Mr. Krug and men of his type if they were doing more of the shooting in the front lines, instead of telling other people what to do.

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

Mr. O'MAHONEY. I yield.

Mr. HATCH. As a matter of fact, let me point out that Mr. Krug has a war record of his own, and it is not unenviable, either.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. O'MAHONEY. Mr. President—

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

Mr. O'MAHONEY. I imagine the interruptions have ceased for a few moments.

#### MANAGEMENT AND LABOR OPPOSE REPORT

Mr. President, I have received numerous telegrams, some of which I shall read into the RECORD. They are typical of the messages which are being received. They are significant in that they illustrate the unanimity of management and labor in opposition to this conference report.

The first telegram is from Mr. James L. Donnelly of Chicago, Ill. As I recall he is executive secretary of the Manufacturers' Association of Illinois. The telegram is addressed to me, and reads as follows:

CHICAGO, ILL., March 28, 1945.  
Senator JOSEPH C. O'MAHONEY,  
Care of Senate Office Building,  
Washington, D. C.:

Illinois industry is deeply concerned over pending manpower legislation; in view of the remarkable war-production record of industry it is inconceivable that Congress, under current conditions, would impose an obstacle of this character upon manufacturing industry. This measure is clearly calculated to harass and confuse employers and employees and will definitely interfere with war production.

JAMES L. DONNELLY.

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

Mr. O'MAHONEY. I yield.

Mr. VANDENBERG. I believe there is one point which should be constantly emphasized when a message of the type which the Senator from Wyoming has just read is submitted. Every Member

of the Senate is certainly anxious to give top priority to the welfare and the necessities of the men at the battle front.

Mr. O'MAHONEY. Of course.

Mr. VANDENBERG. It seems to me that it is of supreme importance to the men at the front that production at home shall persist at maximum advantage and efficiency. While I may be wrong about it, I am unable to escape the feeling that I am giving primary consideration to the man at the battle front when I accept the judgment of those responsible for production in my own State of Michigan, in my own arsenal, that the means suggested by the conference report is not the best way in which to achieve production. I am unable to make myself believe that I serve our soldier sons at the fighting front if I vote for a conference report which our production experts tell us will jeopardize production.

Mr. O'MAHONEY. I thank the Senator from Michigan.

The next telegram which I shall read is dated March 26, 1945, at Washington, D. C. It reads as follows:

WASHINGTON, D. C., March 26, 1945.

HON. JOSEPH C. O'MAHONEY,  
United States Senate,

Washington, D. C.:

Metal trades department A. F. L. representing several million wage earners employed on war production following thorough consideration among its representatives strongly urge rejection of pending conference report on work or fight bill, H. R. 1752. Provisions of this bill violate spirit of the Constitution which prohibits involuntary servitude and establishes a situation of slave labor in America. There is ample legislation and Government directives now in effect to meet this situation if intelligently applied. Smith-Connally Act was supposed to prevent strikes. Its actual working out is that it has been responsible for practically all of the stoppages of work which have occurred in American industry because it nullifies the pledge of organized labor that there would be no strikes by setting up a method by act of Congress which permits strikes. Legislation such as the conference report recommends on bill 1752 will bring nothing but chaos into industry.

J. J. MCENTEE,

Secretary-Treasurer, Metal Trades  
Department, A. F. of L.

Mr. President, I have other telegrams which I shall not read. I ask unanimous consent that they be printed in the RECORD at this point as a part of my remarks.

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

MOORESTOWN, N. J., March 29, 1945.

Senator JOSEPH O'MAHONEY,  
United States Senate Office Building:

Urge opposition to manpower bill as totalitarian in principle.

EMMA CADBURY.

WASHINGTON, D. C., March 27, 1945.

Senator JOSEPH C. O'MAHONEY,  
Senate Office Building:

We believe passage of work-or-jail bill would be a needless sacrifice of democratic principle and hope it will be defeated in Senate. Heartily commend your efforts against its passage.

C. EDWARD BEHRE,

Chairman, Washington Friends  
Joint Peace Committee.

PHILADELPHIA, PA., March 26, 1945.

HON. JOSEPH C. O'MAHONEY,  
Washington, D. C.:

The yearly meeting of the Religious Society of Friends of Philadelphia and vicinity, now meeting at Arch Street, Philadelphia view proposed work-or-fight bill as involving regimentation and coercion which do violence to human personality, freedom of conscience, religious and civil liberty essential to effective democracy. We, therefore, urge you in your opposition to it.

HAROLD EVANS CLERK.

NEW YORK, N. Y., March 27, 1945.

Senator O'MAHONEY:

War manpower bill unnecessary, unconstitutional, un-American, regimentative, is answer copying Hitler. Sure American Senators should be ashamed at the idea.

MRS. RICHARD NEWTON,  
Ambassador Hotel.

Mr. O'MAHONEY. Mr. President, yesterday during the exposition of the conference report by the distinguished and able senior Senator from Utah [Mr. THOMAS], who is chairman of the Senate Committee on Military Affairs and chairman of the conference, he made the following statement:

Mr. President, if the conference report shall be approved and the conference report bill shall become law, I hope it will be used with all the force which those in charge of our psychological warfare can employ, to show that a democracy, the greatest democracy of the world, can act with unity in the exercise of power and will in the accomplishment of a given purpose, when the times demand such unity.

That quotation is an appropriate text for a discussion of the abandonment of the principles of democracy. One of the marks of this great war, and of the events which preceded it, was the constant reiteration on the part of those who were seeking to establish totalitarian control that they were the defenders of democracy, or, at least, the defenders of the rights and interests of the masses of the people. It is precisely because the conference report is an abandonment of democracy that I am urging the Senate to reject it. It is not democracy to surrender the judgment and the will of the people to the discretion of a single individual. Such a course is the very antithesis of democracy. It is a surrender of the freedom which characterizes this Government.

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

Mr. O'MAHONEY. I yield.

Mr. MURDOCK. On every battlefield of the world today democracy is demonstrating beyond any doubt that we can beat dictatorship in any aspect or phase of war or any type or kind of warfare evolved up to the present time. We have demonstrated that we can supply the largest armies which have ever been mobilized, and which armies are carrying democracy to victory. We have demonstrated our ability to equip our armies and navies as no other army or navy has ever been equipped. It has all been accomplished under the democratic process. While democracy is winning on every battlefield of the world we are being asked in America, here on the home front, to surrender democracy for totalitarianism. Is not that about what it amounts to?

Mr. O'MAHONEY. Precisely. To my mind, Mr. President, there can be no doubt that what the Senator from Utah has stated is the entire aspect of this problem.

Mr. MURDOCK. Mr. President, will the Senator further yield to me?

Mr. O'MAHONEY. I yield.

Mr. MURDOCK. I do not believe that even the most ardent advocate of the conference report would take the position that we need such a law, except for the unpatriotic slacker or chiseler. If there are those in this country who are chiselers, if there are those who under the present circumstances are not patriotic—and, of course, there are a few, and there always will be—can we correct the situation by the adoption of the conference report? The proponents of the conference report tell us the old story that we can legislate patriotism. They assert that if we threaten a man with a jail sentence or a fine, the threat automatically brings about a patriotism upon his part which will cause him to seek a job in one of the war plants. Mr. President, we once tried the "noble experiment" in this country when we thought we could legislate temperance, but it failed miserably. In my opinion we cannot legislate morality, we cannot legislate ethics, and we cannot legislate patriotism. If we adopt this conference report we adopt the theory that all that is necessary in order to bring about greater production is to threaten the unpatriotic with a jail sentence or a fine. However, by so doing we entirely overlook the most magnificent production record that human beings have ever accomplished. By aiming jail sentences and fines on the unpatriotic we ignore entirely, as I see the picture, the great job done by the patriotic workers of America.

Mr. O'MAHONEY. I thank the Senator for his eloquent interjection. Let me add that this bill is not now directed at the unpatriotic slacker; it is now directed at those who are working; it is now directed at those who by the democratic process, by their own free will, have gone into war plants to produce this tremendous accumulation of war materials.

Mr. MURDOCK. Mr. President, what I meant to say—I might not have said it clearly—was that the only possible justification for such a measure is that we are going to reach the loafer, the slacker, and the unpatriotic, we are going to get the few who will not work; but, in order to do that, we penalize the great mass of patriotic men and women who, as I stated before, have brought about the most magnificent production job history has ever recorded.

Mr. O'MAHONEY. The Senator is quite right. This bill has been advertised in the newspapers and on the radio as the "work or fight" bill. Many of those who are advocating it are doing so in the belief that the soldiers and sailors who read the newspapers read only the headlines and do not comprehend what is going on in the country. Although the measure is not the labor draft which it was when it came from the House of Representatives, although it is not now



directed to the chiseler and the slacker, but is directed entirely to the working fathers and mothers, the brothers and sisters of the boys on the fighting front, many of those who are advocating the proposed legislation do so in the belief that the soldiers and sailors think it is a bill which will compel slackers to work, and therefore they urge us, as a psychological effort, to vote for this bill, though we know, if we apply our intelligence to its language, that it will not do what it is urged it is designed to do, and though we know its language has been changed and that the effect of the bill, if passed, would be utterly different from that which was described in the first instance.

#### COMPARISON WITH SELECTIVE SERVICE LAW

Mr. President, I should like to make a comparison between this bill and the selective-service law. Because of the argument which is directed to the soldiers and sailors who are carrying the flag, I want to point out to the Members of the Senate the great distinction between the two measures. It is said on every side in defense of the original bill that if we have the power to compel men to fight, do we not also have the power to compel them to work, as though that is what we were doing?

Mr. President, the selective-service law was carefully designed to preserve the maximum amount of local community power and discretion. The pending bill concentrates in Washington all discretion and all power. Under the selective-service law the local draft boards in every community in the land passed judgment upon the status that every registrant should occupy. Every registrant was judged by his neighbor; every registrant had the secure knowledge that whatever order or directive was applied to him would come only after men and women in his community had passed upon his standing.

I ask the Members of the Senate to consider now the situation in which the worker in a war plant will find himself. He is no longer working for anyone in his own community; he has migrated from his community at the request of his Government and has gone to some distant State, some distant community, and there has accepted work. Insofar as the selective-service law is concerned he is still under the jurisdiction of the local board in his own home community; but now as a war worker, if this bill should become a law, he would be under the control and jurisdiction not of a local board anywhere but of the directives and regulations written in Washington by the appointees of the Director of War Mobilization and Reconversion. Who might be the authors of the regulations and directives no Member of the Senate or House can tell; what will be the form of the regulations they will write no one can tell. This is the power that we are asked to grant: The authority by regulation—

To prohibit the individuals employed in designated areas, activities, plants, facilities, and farms—

To make that clear, Mr. President, I should insert the word "designated" be-

fore each of those nouns so that the authority which is granted is the authority to prohibit the individuals employed in designated areas, designated activities, designated plants, designated facilities, and designated farms—

which the Director deems are essential to the war effort, from voluntarily discontinuing such employment unless, in the case of any individual so employed, the Director determines that it is no longer necessary in the interest of the war effort for him to remain in such employment or that he has a justifiable reason for leaving such employment.

This is a grant of power to the Director or his appointee to designate not only areas but activities, and,

What are activities? The provision includes, of course, any activity. It could be an activity carried on in one room of a factory, or by one class of workers; it could be the activity of the carpenter, the activity of the sheet-metal worker, or the activities of any other group, wherever they work, in whatever plant or whatever factory. It could be the activities of less than a group. It could be the activities of an individual. There is no restriction whatsoever upon the power of the Director to designate. He may designate plants. He may designate plant A, and in the same community in the neighboring block he may decline to designate plant B. The judgment as to whether or not either of those plants shall be designated resides, not in the community, but in the Director sitting here in Washington.

He may designate facilities. What are facilities? A facility might be a trip hammer, it might be a generator, it might be a punch, it might be any one of the innumerable machines which modern industry uses. Anything which facilitates war production will come within the definition of "facilities," and the Director may designate those which he deems to be important or essential to the war effort.

So it goes with farms. He may designate the farm of Farmer Jones and refuse to designate the farm of Farmer Smith. He may decide with respect to a big farm that it is being efficiently operated and should be equipped with farm labor, who would be prohibited from leaving their jobs. He may say, with respect to a small farmer operating in the same county, "Yours is not an efficient production. You have too few sheep, too few cattle, your crops are so small you are not an important cog, and you do not need to operate. We will not designate you. You may go out of business."

#### CENTRAL POWER MADE SUPREME

The point I am making, Mr. President, is that this power of life and death over the industry of America is by this bill vested in the discretion and the judgment of a central administrative body here in Washington.

Now, let us see what the Selective Service Act provided with respect to this very important matter of calling the manpower of America to the colors in the

hour of emergency. I read from section 10 (a) of the selective-service law:

The President is authorized—

(1) to prescribe the necessary rules and regulations to carry out the provisions of this act;

(2) to create and establish a Selective Service System, and shall provide for the classification of registrants and of persons who volunteer for induction under this act on the basis of availability for training and service, and shall establish within the Selective Service System civilian local boards and such other civilian agencies, including appeal boards and agencies of appeal, as may be necessary to carry out the provisions of this act.

Let me pause in the reading of this section, Mr. President, to call attention to the difference between the Selective Service Act and the pending conference report. The conference report on the comparable subject of regulations merely says:

To the extent deemed by the Director to be necessary and appropriate—

He is the judge of necessity, he is the judge of appropriateness.

To the extent deemed by the Director to be necessary and appropriate to carry out the purposes and means declared in section 2 of this act and also for the purpose of keeping activities and places of employment essential to the war effort in productive operation, the Director is authorized, by regulation—

There are no standards and no safeguards, no provisions to fence about the authority to make regulations. See how different it is in the Selective Service Act.

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

Mr. O'MAHONEY. I yield.

Mr. TAFT. Would not the Senator think that under the power to issue regulations the Director could require a complete registration; in other words, practically write a national service law similar to the May bill?

Mr. O'MAHONEY. Of course.

Mr. TAFT. He could issue any regulation which he thought was necessary to carry out the purposes of the act.

Mr. O'MAHONEY. The purposes and the means. Section 2 (a) and section 2 (b) give him the whole broad scope of the national service concept in which to operate.

Mr. TAFT. When we take section 5 (2) and read the provision, "to prohibit and regulate the hiring, rehiring, solicitation, or recruitment of new workers," and then consider the words added in conference "and the acceptance of employment by workers," it seems to me he could issue regulations which would give one man, or board, power to tell a workman, not, perhaps, that he must not work in plant A, but that he cannot work in any other plant in the United States except plant A. I cannot see why under the power given here the Director could not write a national service act which would have the effect, in substance, of compelling any man, if he wants to live at all, to work in a plant designated by the Director.

Mr. O'MAHONEY. I agree with the conclusions of the Senator. I may add,

Mr. President, that the bill is merely another step forward in the consistent campaign of the advocates of national service. The advocates of that theory are quite willing to proceed step by step, and they look with satisfaction upon the progress, as they deem it to be, contained in the conference report, because it brings, they think, a step nearer complete control over the civilian population of America on the part of those who are to be placed in charge of the execution of the proposed law.

Mr. AIKEN. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I yield.

Mr. AIKEN. Would it not be possible under the bill, if a person were requested to work in a certain plant and he should decline to do so, to publish his name, and forbid any other employer to hire him? Would the bill permit the Director to go as far as that? I see no reason why he could not. A person could be told he was needed in a certain plant, it might be at his home, or 2,000 miles from his home, and if he refused to accept the employment, I do not see anything to prevent his name being published on a list, and any person who hired him being subject to the \$10,000 fine or be imprisoned.

Mr. O'MAHONEY. The authority contained in the language of section 5 is certainly broad enough to sustain that interpretation, because the provisions of clause 2 of section 5 convey to the Director the absolute power to prohibit hiring. So it may be a prohibition to hire John Smith.

Mr. AIKEN. And applied to any employer except the one designated for John Smith to work for. If that is not a labor draft, what is it, unless John Smith has independent means of living without any work at all?

Mr. O'MAHONEY. I quite agree with the Senator's interpretation.

Mr. President, so that the comparison between the broad powers to which the Senator from Vermont has just adverted, granted in the pending conference report, and the carefully restricted powers contained in the Selective Service Act, may be clearly understood, I shall proceed with the reading of section 10 (a):

... and shall establish within the Selective Service System civilian local boards and such other civilian agencies, including appeal boards and agencies of appeal, as may be necessary to carry out the provisions of this act. There shall be created one or more local boards in each county or political subdivision corresponding thereto of each State, Territory, and the District of Columbia.

Let it be clear, Mr. President, that I am reading not from the conference report but from the text of the selective-service law. I am trying to show how careful Congress was to create standards to prevent abuse.

Each local board shall consist of three or more members to be appointed by the President, from recommendations made by the respective governors or comparable executive officials.

What comparable safeguard is contained in the pending measure? When Congress enacted the selective-service law it wanted to be sure that when the authority of the Government was di-

rected to call any single individual to the colors of the United States, that authority should be so carefully hedged about that it should be exercised impartially and should be exercised by local jurisdiction and not by central power in Washington. That is a principle which has been utterly abandoned in this bill.

No member of any such local board shall be a member of the land or naval forces of the United States.

As I read that sentence I am reminded of what was said on the floor earlier today by one of the Senators with respect to the necessity for following the recommendations of military leaders. When Congress wrote the selective-service law it was careful to exclude from membership on any local board any member of the land or naval forces, because, Mr. President, it was clinging tightly to the traditional principle of America that the civilians shall not be subject to military power.

No member of any such local board shall be a member of the land or naval forces of the United States, but each member of any such local board shall be a civilian.

Congress was so careful about this matter it was not content merely to say "no member of the land or naval forces shall serve on a board," but it went another step and said "the members shall be civilians."

Mr. AIKEN. Mr. President—

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

Mr. O'MAHONEY. I yield.

Mr. AIKEN. I wish to ask the Senator another question. Does not the measure which has been reported by the conference committee give the right to the Director, if he sees fit, to place the enforcement of the proposed law absolutely under the military branch of the Government? Can he not designate any agency of Government, any department he chooses, to carry out the provisions of this measure?

Mr. O'MAHONEY. Precisely.

Mr. AIKEN. And could not that be the military, and would not that in effect be establishing a military government almost in its entirety?

Mr. O'MAHONEY. Mr. President, I was about to mention that precise condition. The power of the Director is so broad that he may appoint anybody whom he chooses, whether the person appointed holds a military position or not. Already we know that one of the principal assistants of the Director of War Mobilization and Reconversion is a general in the Army. Of course he was a civilian before the war began, but he wears a military uniform now. He is about to resign, the newspapers tell us, and to be assigned to military duties in Europe or elsewhere. He is a general officer under the control of the War Department. Such an individual might be appointed to administer the conference report bill if it should become a law.

Let it be understood, Mr. President, I make no criticism of the personality, the patriotism, or the ability of the gentleman who occupies this position. I have the greatest admiration and respect for

him personally. I am talking about the principle. I am drawing a comparison between the care which the Congress exercised in framing the selective-service law and the utter recklessness with which it now undertakes to convey or to vest in the hands of a central official in Washington complete authority over the lives of millions of our civilian fellow citizens. As the Senator from Vermont [Mr. AIKEN] has very wisely pointed out, the Director, under this conference report, could not only select any individual, but he could select any department or agency. He could select the War Department and put the whole administration of military production in the War Department. That, Mr. President, would be a complete reversal of the traditional policy of this Government and an abandonment of the careful provisions which were written into the Selective Service Act.

I shall resume the reading of the selective-service law:

No member of any such local board shall be a member of the land or naval forces of the United States, but each member of any such local board shall be a civilian who is a citizen of the United States residing in the county or political subdivision corresponding thereto in which such local board has jurisdiction under rules and regulations prescribed by the President.

Let someone point out the comparable language in the conference report safeguarding the individual who is to be chained to a machine by the directive issued under the regulation of a central authority. It contains no safeguard preserving local jurisdiction, or protecting the individual by giving him at least an opportunity for an impartial hearing by his neighbors and his fellow citizens.

Such local boards, under rules and regulations prescribed by the President, shall have power within their respective jurisdictions to hear and determine, subject to the right of appeal to the appeal boards herein authorized, all questions or claims with respect to inclusion for, or exemption or deferment from, training and service under this act of all individuals within the jurisdiction of such local boards.

From that very careful reassertion of the traditional principle of America we now turn and we now adopt the basic principle of central totalitarian power over the lives of all our people.

If I correctly remember the words of the distinguished senior Senator from Utah [Mr. THOMAS] when he was explaining the bill to us yesterday, he said that if the measure were foolishly or recklessly administered it would do harm and not good to war production. That, Mr. President, is precisely the ground upon which I criticize this measure. The opportunity for foolish and reckless administration is extended, because Congress has not exercised its authority; because Congress has not exercised its responsibility to throw around the measure the safeguards which should be there to make sure that there shall not be foolish or reckless administration.

#### DIFFICULTIES OF ADMINISTRATION

No one knows better than I, Mr. President, the great difficulties which have confronted the patriotic gentlemen who have administered the war agencies. I



have sympathized with them in the tremendous responsibilities which they have carried. But I know that they have made mistakes; every Member of Congress knows that they have made mistakes; everyone in the country knows that they have made mistakes. When a new system was set up and the agencies began to write the regulations, they could learn only by experience. Regulations were written, and then amended. Regulations were changed and repealed. Many of the regulations fell with tremendous impact upon those who were patriotically contributing to the war effort. Sometimes they were written by men in Washington whose whole experience was in metropolitan areas. The rules and regulations which they wrote had no application whatsoever to conditions existing in rural communities, or in States of broad distances, such as the State from which I come, or the State from which the distinguished presiding officer [Mr. MURDOCK] comes.

Such mistakes were inevitable. There was a clashing of the gears. I could stand here for hours and read the list of errors which were committed, and call the roll of serious mistakes which were made. I am willing to admit that every one of those mistakes was made in good faith. A great new system must be worked out by experience.

Every Senator and every Representative knows that when the O. P. A. was first brought into existence there was not a community in the land which did not suffer from the unavoidable fact that the regulations did not harmonize with local conditions. I have in mind at this moment situations which have developed with respect to the disposal of surplus property. I know of a case in which \$160,000,000 of public money was expended to build a great plant for the production of war materials. The plant has not been put into operation, and its machines are standing idle. There was an overestimate. Some of the machines, turboelectric generators, are claimed by other agencies of the Government. Some of them are claimed by a foreign government which desires them. War factories in the area in which this plant is located are in need of turboelectric generators, in order to have the power to produce the war materials which they are actively processing. Yet, Mr. President, a request came from a foreign government for a substantial number of those generators, and an order was given that they should be taken away from the plants where they were needed and sent abroad.

Innumerable instances of this kind could be recited. We know from experience that the new system embodied in this measure cannot possibly be put into smooth operation for months to come. I venture to say that the regulations are not yet written. I venture to say that months will be required to write the regulations; but, in the meantime, if Congress should enact this law, the word would go out from the Halls of Congress that this body no longer has any faith in the ability and the will of the free democratic citizens of this Republic to unite to carry on the war.

Mr. President, in the charter which was read from the desk this morning at

the request of the senior Senator from Nevada [Mr. McCARRAN] we have an illustration that management and labor are cooperating and can be depended upon to cooperate. Step by step they are making great progress toward the perfection of a democratic system, a free American system for the production of war materials and for carrying on the industrial activities of the United States.

The War Manpower Commission was just like any other war agency. In the beginning it, too, was making mistakes until it learned the problem which was before it. It appointed management and labor committees, and those management and labor committees have worked with remarkable success. If we now enact this bill, we scrap that system, because we impose a new authority to be exercised.

#### MISTAKEN PSYCHOLOGICAL MEASURE

I say again, Mr. President, that I think it would be a disaster to the productive activity of America if this were done. This measure is not actually being urged as an aid to war production. In reality, it is being presented to us as a psychological measure to prepare for conditions which are expected to exist after victory day in Europe. It seems to me that it is being presented to Congress by men who lack faith in their fellow citizens, by those who believe that unless we find a way to chain the civilian workers of America to their machines they will leave the factories when victory day in Europe is proclaimed.

Mr. President, I believe there is absolutely no ground for any such lack of faith in America. I say that the free people of America have demonstrated beyond the possibility of contradiction or of doubt that they are behind this war, that they want this war to be carried on to complete victory, that they want the United States and the Stars and Stripes to lead the peoples of all the world to the redemption of free government from arbitrary power. They will not stop. Free government presents no threat to complete victory. A free economy presents no threat to complete victory. There is no threat except the threat which comes from the imposition of totalitarian power on the people of America. I pray God, Mr. President, that the Senate of the United States will never give its consent to such a repudiation of every principle upon which this Government is founded.

The PRESIDING OFFICER. The question is on agreeing to the conference report on House bill 1752.

Mr. KILGORE obtained the floor.

Mr. McFARLAND. Mr. President, will the Senator yield to me so that I may suggest the absence of a quorum?

Mr. KILGORE. I yield.

Mr. McFARLAND. 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:

Alken	Barkley	Buck
Austin	Billbo	Burton
Balley	Brewster	Bushfield
Ball	Briggs	Butler
Bankhead	Brooks	Byrd

Capper	Johnson, Colo.	Radcliffe
Chavez	Johnston, S. C.	Reed
Connally	Kilgore	Revercomb
Cordon	La Follette	Saltmstall
Donnell	Langer	Shipstead
Downey	Lucas	Smith
Ellender	McCarran	Stewart
Fulbright	McClellan	Taft
George	McFarland	Taylor
Gerry	McKellar	Thomas, Utah
Guffey	McMahon	Tobey
Gurney	Magnuson	Vandenberg
Hart	Maybank	Wagner
Hatch	Millikin	Wheeler
Hayden	Moore	Wherry
Hickenlooper	Murdock	White
Hill	O'Daniel	Wiley
Hoey	O'Mahoney	Wilson
Johnson, Calif.	Pepper	Young

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

The question is on agreeing to the conference report on House bill 1752, the so-called manpower bill.

Mr. KILGORE. Mr. President, a short time ago a document known as the management-labor charter was placed in the RECORD. Had not one of my colleagues placed that document in the RECORD I should have taken this opportunity to do so. It has a great bearing upon the question which we are now studying. When the representatives of management and the representatives of organized labor appeared before the Senate Military Affairs Committee a distinguished member of this body said, "the millennium has come."

The United States has gone a great distance toward effecting an agreement between management and labor, without which our great industries cannot properly function. That agreement was reached through pain and tribulation, and by a wandering and groping-about method. But it has accomplished the marvel of the ages—a record of production without parallel in the history of the world.

While I have heard voiced in this debate vague rumors of shortages, I have yet to learn of a specific shortage which has not been cured by industry and labor as the program proceeded.

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

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from New Mexico?

Mr. KILGORE. Mr. President, I should like to develop the major portion of my discussion without yielding.

The PRESIDENT pro tempore. The Senator from West Virginia declines to yield.

Mr. HATCH. Mr. President, I wish only to compliment the Senator from West Virginia. Will not the Senator yield for a compliment?

Mr. KILGORE. If the Senator does not mind, I prefer not to yield. That statement is made with all due respect to my good friend, the Senator from New Mexico, for whom I have a great admiration.

Mr. President, America's great industrial achievements have been made possible by cooperation between industry and labor. That cooperation has been evidenced by the work of the industry-labor committees, and other joint committees which have worked to iron out the wrinkles, and the trouble spots as

they developed. The program has produced the remarkable results to which I called attention in a previous statement which I made upon this subject, in which I referred to the comparative record of England and the United States in their respective war industries, and showed that we, without compulsory legislation of any kind, have had a far better record of industrial achievement than has England. England had compulsory legislation; she also had Dunkerque, Coventry, and the bombing of London—physical violence which produced a psychology of production in Britain. In this country, with cooperation, we developed that psychology which is so necessary successfully to prosecute any war.

Mr. President, production is the foundation stone of victory. Without it in modern warfare no nation can hope to succeed. The big mistake made by the war lords of Germany and Japan was in underestimating the productive capacity of one nation—the Nation which we in the Congress have been elected to represent legislatively—and which we now consider punishing industrially.

The great labor-management charter goes a long way, not only now but also in the post-war peace period, toward settling our domestic difficulties. Mr. President, I ask unanimous consent to have printed in the RECORD at this point, as a part of my remarks, a news article which appeared in the New York Times under date of March 28, 1945. I believe the article discusses the subject thoroughly.

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

**BUSINESS, LABOR FRAME PEACE CODE—JOHNSTON OF CHAMBER, GREEN OF A. F. OF L., AND MURRAY OF C. I. O. OFFER NEW POST-WAR PLAN**

(By Joseph A. Loftus)

WASHINGTON, March 28.—Three spokesmen for business and organized labor signed today a new charter of principles which they conceived as a guide to post-war industrial relations in the conviction that an essential for maximum production and peacetime prosperity was a minimum of strife and suspicion.

The signers were Eric Johnston, president of the Chamber of Commerce of the United States; William Green, president of the American Federation of Labor, and Philip Murray, president of the Congress of Industrial Organizations.

The National Association of Manufacturers was not a participant, but Mr. Johnston said he hoped it would eventually subscribe to the charter.

Based on a mutual recognition of each other's prerogatives and responsibilities, the charter sets forth these guides and objectives for management and labor:

Encouragement of productive efficiency and technological advancement with a view to steadily improving standards of living; respect for the rights of private property and free choice of action; recognition of management's right to manage, free of unnecessary governmental interference or burdensome restrictions; recognition of the right to organize and bargain collectively without hindrances; cooperation in protection of the individual against involuntary unemployment and the hazards of old age and physical impairments; increased foreign trade and reasonable assistance to other countries; establishment of

an international security organization and a national business-labor committee to promote better understanding at home.

**THREE FRAMERS CONGRATULATED**

Dr. George W. Taylor, Chairman of the W. L. B., immediately congratulated the charter framers "on their vision and statesmanship." He said the action inspired confidence in "the future well-being of the entire Nation."

The three leaders said the charter would be submitted to the executive bodies of their respective organizations at the first opportunity.

The charter calls for establishment of a committee of 15 or 20 who will seek "to promote an understanding and sympathetic acceptance of this code of principles and will propose such national policies as will advance the best interest of our Nation."

Twelve members of the committee have been designated, as follows:

For industry: Mr. Johnston; Paul G. Hoffman, president, the Studebaker Corporation; Henry J. Kaiser, president of the Henry J. Kaiser Co., Oakland, Calif.; Otto A. Seyferth, president of West Michigan Steel Foundries, Muskegon, Mich., and chairman of the chamber's committee on labor relations; E. J. Thomas, president of the Goodyear Tire & Rubber Co., of Akron; J. D. Zellerbach, president and director of Crown-Zellerbach, San Francisco.

For labor: Mr. Green, Mr. Murray, George Meany, secretary-treasurer of the A. F. of L.; Robert J. Watt, international representative of the A. F. of L.; R. J. Thomas, president of the United Automobile Workers, C. I. O.; and Sidney Hillman, president of the Amalgamated Clothing Workers, C. I. O.

**WILL INCLUDE SOUTHERN GROUP**

Mr. Johnston announced that the committee members still to be designated would include industrialists from the South.

The charter was made public at a press conference at the Chamber of Commerce Building, which drew a large attendance, including news-reel cameramen.

As acting chairman, the chamber president told the news conference that he envisioned two possible roads which the country might take after the war—one leading to "high levels of production, employment and wages, and ability to service our huge national debt. In other words, prosperity."

"The other," he said, "leads to fewer jobs, lowered incomes, and inability to service our national debt. In other words, eventual bankruptcy."

Mr. Johnston said the framers of the charter "recognize it is not a perfect instrument."

"It is dynamic, not static, but it is a beginning," he asserted.

Mr. Murray, addressing the newsmen, said:

"The plan is conceived to help America. It does not constitute a collusive agreement designed to operate against the interests of any group in the United States."

He expressed his appreciation to Mr. Johnston and the chamber, and to Mr. Kaiser, who, he said, "participated in all our meetings and who loaned his services and ingenuity" toward perfecting the charter. The C. I. O. president said that while the charter was an understanding among three organizations, "it nevertheless constitutes a proposal which, through the medium of this meeting, is being submitted to the people of the United States for their approval."

Mr. Green said that through the new document "the area of controversy is reduced."

"The area of agreement is increased," he stated. "I feel confident that labor and management throughout this Nation will subscribe wholeheartedly and accept this code of principles without reservation."

The A. F. of L. president said the charter was not perfect and "will not eliminate strikes altogether."

"We can reduce them," he said. "We can substitute cooperation and understanding for bitterness and strife."

Asked about the absence of the N. A. M., Mr. Johnston said a representative of that organization sat in on one conference and was invited to two others and "we hope they will participate."

He also was asked about the participation of railroad brotherhoods and other independent unions. He replied that "that's up to the committee," and added that they had not been invited so far to take part.

Mr. Johnston said he knew of no opposition to the charter and that he did not know why the N. A. M. had not joined.

The three men were asked how the organizations for which they spoke would be bound by the charter. Mr. Johnston and Mr. Murray said its adoption by the executive boards of their organizations would make the charter constitutionally binding. Mr. Green said the charter would be submitted to the American Federation of Labor executive council and remarked that during the war "the workers made an amazing record."

"I am sure they will continue in that spirit," he added.

The statement issued by Dr. Taylor, W. L. B. Chairman, said:

"Leaders of labor and industry who today signed the new charter for labor and management are to be congratulated on their vision and statesmanship. Their pledge of respect for each other's fundamental rights and their promise of cooperative effort involve much more than harmonious labor relations after the war—important as that is. This outstanding advance of democratic principles in the industrial field inspires confidence in the future well-being of the entire Nation.

"This charter's emphasis on the substitution of collective bargaining for strikes and lockouts in settling disputes between management and labor promises to aid materially in the rapid reconversion of our industrial resources to peacetime production and that high level of consumption we all seek."

Mr. KILGORE. Mr. President, the charter which we have discussed bears upon the manpower legislation which we are now debating. I believe that our manpower legislation must be built upon the same type of fine cooperation as that exhibited in the formulation of this charter.

The National Chamber of Commerce, through its president, Mr. Eric Johnston, joined with the Congress of Industrial Organizations, represented by Mr. Philip Murray, and the American Federation of Labor, represented by Mr. William F. Green. At the time the charter was issued it was hoped that Mr. Ira Mosher, president of the National Association of Manufacturers, would join in it.

I desire at this time to read to the Senate a letter addressed to the distinguished Senator from Wyoming [Mr. O'MAHONEY] under date of March 28, signed by Ira Mosher as president of the National Association of Manufacturers, in which he says:

I feel so deeply that I must repeat again that in the opinion of industry adoption of the conference report on manpower legislation will hamper and impede war production.

And war production is the only excuse which can be offered for the pending bill.



I read further from Mr. Mosher's letter:

Industry judges the question—but one light—What will obtain the most production in the shortest time? This is the one important thing, for this is the one way to bring these wars to their speediest conclusion and save the lives of thousands upon thousands of our boys.

It is for this sole reason that, on behalf of industry, I implore the Congress to send the conference report back to the conference committee for further deliberation. In making this appeal I know I speak for industry and I believe I speak for millions of loyal, hard-working Americans who have already astounded the world with war equipment. The managers of American industry are experts in one line, which is production. It is nearly universal opinion that the conference report will retard and not intensify production. The pending conference report would set up legislation which raises a question of patriotism of these employees, which they do not deserve.

I can only repeat that the passage of this bill in its present form is the most serious obstacle yet proposed for the production needed for victory.

That, Mr. President, comes from the president of the National Association of Manufacturers, representing the leaders of the industries of the United States which have out-produced every nation in the world. It seems to me that that letter of itself does much to settle any question as to the need for the substitute bill proposed by the conference report.

Representatives of the great industry and labor groups of the United States—the National Association of Manufacturers, the American Federation of Labor, the Congress of Industrial Organizations, and the United States Chamber of Commerce—with whom I met on last Saturday, all pointed out that the conference bill would damage war production.

Yesterday we received a request from the President to pass the conference bill. I am in thorough agreement with the President that we should pass a good manpower bill. I think the President in writing that letter—and I should like to have each Member of this body read the exact text of the letter before passing judgment on this matter—was motivated by a concern that there be no further delay in providing legislative manpower guarantees. The easiest road for us of course would be to adopt the conference report; we could all vote "yea" and go home, and then when things break wrong come back and try to nurse the headache the Nation would be undergoing by reason of the mistake. But there would be no substantial loss if we should reject the report, proceed immediately to ask for a further conference with the House of Representatives, and this time instruct our conferees to obtain a vote in the House on the bill which was sent to them by the Senate. It is my belief that if the House were given an opportunity at this time to vote on the Senate bill it would act favorably upon it in the light of present developments.

Let me say again that I am in favor of good manpower legislation. I intend to show in my remarks that, along with a number of other Members of the Con-

gress in both Houses, I have long advocated all-out war effort, including all-out manpower mobilization. I believe that our armed forces should have legislative guarantees that our manpower mobilization will be most effective to back up the combat effort; but I am sure that they would be the last to desire the form of manpower mobilization without the proper substance. They would not want the Congress to do anything which might impair war production. I speak of the men doing the fighting.

It is well known that the May-Bailey bill and the modifications of the Senate bill were drafted at the instance of the Army and the Navy. That is the chief reason announced upon the floor of the Senate for the bills. Our Army and Navy officials have had brilliant successes in their proper sphere of activity—the battlefields of the world. There is no reason to conclude, however, that they should be burdened with the organization of the civilian economy of the United States, for which they have not had the necessary experience or training.

There is agreement in all agencies and branches of the Government and many groups in the country's economy that the principal responsibility of the Army and the Navy with respect to war production is the statement of what they need for an all-out effort against the enemy. It is the function of our governmental machinery and of management and labor so to organize the civilian economy that these requirements will be fully met. I shall show in my concluding remarks how these features of the conference bill which might prove damaging to war production grow out of the persistent efforts of certain military leaders to determine the methods of production and of manpower mobilization within the United States.

I shall show that, with respect to production, the military have objected to the over-all coordination essential to maximum war output.

I shall show, with respect to manpower mobilization, that they have been limited by concepts of military discipline, which, though appropriate and necessary on the battlefield, are utterly inadequate in civilian industry.

In examining the history of manpower and procurement legislation, I shall refer to the investigations and findings made by committees appointed by the Congress to study our war mobilization with a view to perfecting it. The studies and findings upon which I am going to draw particularly are those of the House Committee on National Defense Migration of the Seventy-seventh Congress, known as the Tolan committee; the Senate Committee Investigating the National Defense Program, first under the chairmanship of Senator TRUMAN, now Vice President, and now under the chairmanship of the junior Senator from New York [Mr. MEAD]; the special Senate Education and Labor Subcommittee of the Seventy-seventh Congress to study the war-mobilization bill introduced by Representative TOLAN, the Senator from Florida [Mr. PEPPER], and myself; and

the Subcommittee on War Mobilization, of which I am the chairman, of the Senate Military Affairs Committee.

In December 1941, less than 2 weeks after Pearl Harbor, the Tolan committee issued a comprehensive report entitled "Recommendations on Full Utilization of America's Industrial Capacity and Labor Supply in the War Effort." At that time I was very well acquainted with that committee's work which was being coordinated with our work in the Senate in the National Defense Investigating Committee. I shall read a portion of that report having to do with the organization of production and manpower mobilization.

We are asked sometimes why we should look into these things, and I wish to refresh the memories of the Members of the Senate on the concept long held by our lawmakers that the production of war material is a civilian function. With the approach of this war, we created the offices of Under Secretary of War and Under Secretary of the Navy, whose duties are to head procurement, and to keep it a civilian function. The cornerstone of the procurement policy of the United States has always been that it shall be handled by civilians, expert in their own lines, and not by men expert in the line of fighting.

I now wish to quote a little for the Record from the report on national defense migrations, issued on December 19, 1941, by the Tolan committee:

This committee believes, after months of hearings throughout the country, that even the most influential quarters misunderstand the meaning of the term "civilian morale" and the proper manner for enlisting it in the great undertaking which has been thrust upon us.

Remember, this was but 2 weeks after Pearl Harbor.

Civilian morale should be recognized as a byproduct of efficient organization of the national productive effort. Only through complete participation of the whole people in a total war can civilian morale be enlisted and heightened. This requires a comprehensive and unified production plan and a single agency to centralize key decisions and decentralize operations.

It is inconceivable that war can be waged successfully without such full utilization of our resources. The committee believes that to date there has been a profound lack of such planning and an absence of the attitude necessary for the organization of our economy on behalf of the total war effort which we now see is called for if victory is to be ours.

At the outbreak of war hundreds of plants are being closed, many by Government request; unused plant facilities are causing widespread unemployment when every ounce of effort is needed. The communities in which such dislocations are under way are facing depression conditions and employment black-outs. Such failure to harness the ready energies of these cities and towns throughout America is inevitably having a serious effect on civilian morale. To this committee it seems a credit to the American people that this effect has not been more widespread. The country must be shown, and shown soon, that it is operating according to a plan which utilizes every hand for the work of war and the preservation of our liberties.

There was a group of civilians urging action at that time.

To the millions of our citizens still unemployed there are now being added new millions of jobless workers, caught in the gap between curtailed civilian and lagging war employment. Unless prompt measures are taken to close this gap and to relieve the condition of those who will not be immediately reemployed, hundreds of thousands of these workers will, in the American tradition of self-help, take to the road in response to reports of employment elsewhere. These workers, suddenly deprived of employment, may migrate in much greater numbers than the unemployed of the depression decade. In many instances, these new migrants will leave communities where in a few months they will be needed to man war industries—

#### And how often that happens—

thus setting in motion a double migration. Crowding the centers of production already suffering from lack of housing, health, school, and other community facilities these new "priority migrants" will aggravate these conditions so detrimental to the morale of our defense workers.

This undirected and uncoordinated migration of workers will, in the opinion of the committee, be a national calamity. Except for special skills, there can be no immediate Nation-wide shortage of labor in defense centers. Increasing numbers of unemployed in each defense community compete with migrant workers, who, unemployed in their home communities, are attracted to the centers of production by grapevine and widely publicized reports of work. The gravity and magnitude of this problem as it relates both to the success of the war effort and to the widespread human suffering it entails, demand a prompt solution.

Training and contracts for war work should be coordinated in order that the period of unemployment may be shortened. It is the responsibility of the Federal Government to afford to these dislocated workers who cannot be immediately reemployed the assistance of increased unemployment compensation benefits or of Work Projects Administration employment. Traditional conceptions of local responsibility are not adequate to meet conditions created by the present war program.

Consistent with the objectives of our national policy, the obvious and basic solution is to provide employment. To achieve employment on a scale commensurate with the needs of the war program and with the magnitude of the dislocation requires the immediate and full use of all existing facilities.

Here is an interesting point which bears on the subject before us:

The testimony before the committee was almost universal that production to date has been a failure, measured against the available facilities and the visible needs for military purposes. The largest and most efficient manufacturing facilities are not being used in the armament effort. At the same time the system of contract awards in effect excludes from production the facilities of tens of thousands of small producers. As a result, the mass production of critical military material is awaiting, to a considerable extent, the completion of new plants. Thus, when speed in production is vital to the Nation, the potentially greatest arsenals stand unused and their unemployed workers are waiting for new plants to open. The battles of today cannot be waged with deliveries from the plants of tomorrow.

Mr. President, I ask that pages 2, 3, and 4 of the report be printed at this point in the RECORD as a part of my remarks.

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

The matter referred to is as follows:

This committee believes, after months of hearings throughout the country, that even the most influential quarters misunderstand the meaning of the term "civilian morale" and the proper manner for enlisting it in the great undertaking which has been thrust upon us. Civilian morale should be recognized as a byproduct of efficient organization of the national productive effort. Only through complete participation of the whole people in a total war can civilian morale be enlisted and heightened. This requires a comprehensive and unified production plan and a single agency to centralize key decisions and decentralize operations.

It is inconceivable that war can be waged successfully without such full utilization of our resources. The committee believes that to date there has been a profound lack of such planning and an absence of the attitude necessary for the organization of our economy on behalf of the total war effort which we now see is called for if victory is to be ours.

#### UNUSED PLANT FACILITIES CAUSING MIGRATION

At the outbreak of war, hundreds of plants are being closed, many by Government request; unused plant facilities are causing widespread disemployment when every ounce of effort is needed. The communities in which such dislocations are underway are facing depression conditions and employment black-outs. Such failure to harness the ready energies of these cities and towns throughout America is inevitably having a serious effect on civilian morale. To this committee it seems a credit to the American people that this effect has not been more widespread. The country must be shown, and shown soon, that it is operating according to a plan which utilizes every hand for the work of war and the preservation of our liberties.

To the millions of our citizens still unemployed there are now being added new millions of jobless workers, caught in the gap between curtailed civilian and lagging war employment. Unless prompt measures are taken to close this gap and to relieve the condition of those who will not be immediately reemployed, hundreds of thousands of these workers will, in the American tradition of self-help, take to the road in response to reports of employment elsewhere. These workers, suddenly deprived of employment, may migrate in much greater numbers than the unemployed of the depression decade. In many instances these new migrants will leave communities where in a few months they will be needed to man war industries, thus setting in motion a double migration. Crowding the centers of production already suffering from lack of housing, health, school, and other community facilities, these new priority migrants will aggravate these conditions so detrimental to the morale of our defense workers.

This undirected and uncoordinated migration of workers will, in the opinion of the committee, be a national calamity. Except for special skills, there can be no immediate Nation-wide shortage of labor in defense centers. Increasing numbers of unemployed in each defense community compete with migrant workers, who, unemployed in their home communities, are attracted to the centers of production by grapevine and widely publicized reports of work. The gravity and magnitude of this problem as it relates both to the success of the war effort and to the widespread human suffering it entails, demand a prompt solution.

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cannot be immediately reemployed the assistance of increased unemployment compensation benefits or of Work Projects Administration employment. Traditional conceptions of local responsibility are not adequate to meet conditions created by the present war program.

Consistent with the objectives of our national policy, the obvious and basic solution is to provide employment. To achieve employment on a scale commensurate with the needs of the war program and with the magnitude of the dislocation requires the immediate and full use of all existing facilities.

#### PRESENT PLANT CAPACITY MUST BE USED

The testimony before the committee was almost universal that production to date has been a failure, measured against the available facilities and the visible needs for military purposes. The largest and most efficient manufacturing facilities are not being used in the armament effort. At the same time, the system of contract awards in effect excludes from production the facilities of tens of thousands of small producers. As a result, the mass production of critical military materials is awaiting, to a considerable extent, the completion of new plants. Thus, when speed in production is vital to the Nation, the potentially greatest arsenals stand unused and their unemployed workers are waiting for new plants to open. The battles of today cannot be waged with deliveries from the plants of tomorrow.

If our full industrial power is to be applied, the facilities of our greatest industries and especially of the automobile industry, because of its premier position as a mass-producer, must be fully converted to military production. The committee, in a hearing particularly concerned with the auto industry, found that only a negligible part of this great capacity is presently employed in the war effort. Written testimony from a great automobile corporation showed that it was producing the tools of war at a rate which, if general, would require 15 years for the completion of the armament program already projected. The president of this corporation which holds almost one and one-quarter billion dollars worth of war contracts stated that "production is on schedule" according to the contracts so far let to the corporation and the delivery dates now stipulated.

Two major obstacles impede war production: Manufacturers have been reluctant to convert their production facilities from civilian to military production, and the defense agencies of the Federal Government have not required such conversion.

#### SPEEDY AND TOTAL PLANT CONVERSION NECESSARY

The prime objective of an all-out war effort, namely, to enlist every worker and every machine, was and still is left to a policy of indirection. Instead of planning for and requiring orderly conversion, reliance is placed upon the technique of urging manufacturers into war production by curtailing their facilities for civilian production. This procedure is neither efficient nor forthright.

The committee received much testimony on the ability of the automotive industry to convert its facilities to military production. The motor manufacturers contended that only 15 percent of productive facilities were convertible. Production engineers and union witnesses testified that 50 to 80 percent of the facilities of the industry could be converted to defense production. It is a matter of record that the entire automotive industry of England has been converted to defense production.

This controversy in itself signals the failure to plan production. But the requirements of the war program dictate the immediate conversion of the durable consumer-goods industries, including the automobile



industry, and manufacturers of refrigerators, stoves, typewriters, and other goods using metals and other critical materials necessary to war production.

It is not consistent with orderly procedure to rely on individual manufacturers to contribute without guidance to the national war effort. The part they can and should play in the war program must be indicated. To date, this has not been done.

Some of the maladjustments in a rapidly expanding war program are understandable. But there has been no plan commensurate with the production goals already set. The imperative requirements of total war have not been recognized even by the Army and Navy. While other nations have bent to war production every manufacturing facility which could possibly be converted, the procurement divisions of the Army and Navy have not required the conversion of the facilities of our great corporations to the war program. They have not required that these companies use their facilities every minute of every day and every night as the urgencies of the national danger dictate. In addition, the Army and Navy have limited their contracts to large companies. As a result, the war program has lagged and the gap between achievement and goal grows ever wider.

**Mr. KILGORE.** The report proceeds on the question of the speedy and total plant conversion with this significant statement:

Some of the maladjustments in a rapidly expanding war program are understandable. But there has been no plan commensurate with the production goals already set. The imperative requirements of total war have not been recognized even by the Army and Navy. While other nations have bent to war production every manufacturing facility which could possibly be converted, the procurement divisions of the Army and Navy have not required the conversion of the facilities of our great corporations to the war program. They have not required that these companies use their facilities every minute of every day and every night as the urgencies of the national danger dictate. In addition, the Army and Navy have limited their contracts to large companies. As a result, the war program has lagged and the gap between achievement and goal grows ever wider.

The report further discussed the weaknesses of our organization for war production, which was at that time uncoordinated and is at present not fully coordinated. The one disciplinary step necessary to coordinate it—the central power to make contracts—is still held by some 47 separate contracting agencies instead of being centralized in one agency so that war contracts can be carefully distributed on time and manpower bases.

Thus, we had a report of a congressional committee 2 weeks after Pearl Harbor urging the procurement agencies of the Government, and particularly the Army and the Navy, to do some coordinating looking toward the successful waging of the war.

The National Defense Committee, commonly called the Truman committee, on January 15, 1942, reported similarly on production management as follows:

A defense and war program by its very nature requires a tremendous dislocation in the business economy of the Nation and in the relations between business and government. The fundamental theory of a democracy is that every individual determines the business in which he will engage, the type of articles he will manufacture, the materials

he will use, the persons from whom he will buy, and to whom he will sell. The function of government in peacetime is simply to state the rules under which business will be conducted, and to insure that there is fair play between businessmen and a fair deal to the public.

In a defense or war program the situation is very different. The Government, at least as to articles needed for the prosecution of the war, must determine what is to be produced, the quantities thereof, the materials to be used in connection therewith, and even the exact methods by which the articles are to be produced. In order to insure adequate supplies of war materials, it is necessary for the government to go even further and determine the quantities and kinds of raw materials which should be produced, and the extent to which such materials can be used for civilian economy.

The civilian economy cannot be treated as a separate problem, for a sound healthy civilian economy is an absolute essential for the successful prosecution of a modern war, especially if it is a protracted war. There are certain minimum and basic needs of the civilian population which must be met in order to keep up morale and the ability to continue producing war materials in the quantities needed. In a very real sense war materials are nothing more than the surplus which can be spared from civilian production without impairing the ability of the economy to continue producing. To use a homely example, you cannot get milk from a cow or eggs from a fowl unless you provide sufficient food to keep the animal sound and healthy.

Moreover, government cannot neglect the fact that fundamentally the whole defense and war program was embarked upon for the purpose of preserving from Fascist aggressors the American way of living, and that little will be gained if in winning the war we destroy the ability of the country to readjust itself and resume the American way of living.

To do this we must reserve to as great an extent as possible a sound civilian economy.

Under a war program the Government also has the responsibility for making long-range plans to cope with the emergencies which may arise, so that the shifts that are made necessary by the defense and war program takes place gradually to the end that plants and labor can be transferred from civilian work to defense work with a minimum of dislocation and unemployment.

When the present War Production Board was established, many of us hoped that its Chairman, then Donald Nelson, would be able to subordinate the procurement functions of the War and Navy Departments to the newly created War Production Board. The need for such subordination was explicitly stated in the report made by the Tolan committee, which was carefully studying the entire program of procurement and manpower utilization at that time. The Tolan committee held extensive hearings in the field, at war production centers, as well as in Washington. War and Navy Department representatives and other agency representatives testified at these hearings. It is important to note that the Tolan committee was particularly concerned with the problems of manpower and excessive migration and labor turn-over as it was related to the system of procurement.

Mr. President, we are finally coming around to taking the work to the worker, at the end of 3 years of experimentation, after spending more than \$7,000,000,000 in building new plants to which to take workers.

In its report of March 9, 1942, entitled "On the Need for a Single Procurement Agency to Affect All-Out War Production and Achieve Full Use of Labor Supply," the Tolan committee reaffirmed the need for a central war production agency to coordinate and maximize our war output.

Mr. President, I should like to remind the Senate that the greatest resistance to the establishment of that central agency came from the very two departments which now come to us and demand that we regiment and that we control the life of every civilian in this country, to overcome the mistakes they made at that time. Yet they do not tell us they made mistakes at that time.

I should like to read a little of that report in order to refresh the memory of Senators on what good advice was given by civilians—politicians, if you will call them that, those of us who happen to be in Congress and are so labeled—what good advice was given to the people who asked first for the complete drafting of all labor, of everyone from the cradle to the grave, finally limiting it to individuals from 18 to 45, and asking us to punish loyal workers with the threat of jail sentence.

In the report of March 9, 1942, more than 3 years ago, this was stated:

In discharging the obligation of the committee under its resolution to study national defense migration, it has proven necessary that we study the causes of this migration. It is required of the committee that we present to Congress the reason why this migration has been unplanned and unnecessary in many of its phases, creating community distress and hardships for these migrants. Poorly planned production in the war effort has been the primary cause of the unplanned and unnecessary migration up to the present time. This has led to an unparalleled waste of manpower and of plant resources. Therefore, this committee in its second interim report and, once again, in its third interim report, has been forced to deal with the necessary steps for the full utilization of our productive capacity and manpower. The second interim report dealt primarily with the conversion of durable consumer goods industries. This report deals with procurement insofar as this subject relates to the war production and the subsequent planning of the use of our manpower. This third interim report should be read in conjunction with our second interim report, to which it constitutes an up-to-the-minute supplement.

It must be understood that wasteful migration is an integral part of the general waste of our manpower accompanying the failure to plan for the full use of our facilities. This is directly reflected in the haphazard, piecemeal procurement procedures employed to this date.

Senators will remember the competition to obtain the services of favored plants, and the competition of less favored plants to obtain a little work for their workers.

At the outset of our hearings on defense migration we learned of large-scale fruitless migration to the air fields and shipbuilding plants on the Pacific coast. This was a waste of manpower. At later hearings on the east coast and in the Middle West we learned of wholesale migration of industrial manpower to great production centers operated by the companies which received the majority of the defense contracts, leaving behind stranded communities and darkened plants.

I well remember going into a shipyard at Orange, Tex., which had been in existence for 60 years. It was operated by competent management. It had a marine railway. It was engaged in building oceangoing tugs, as a subcontractor for an eastern corporation which built automobiles. The shipyard could not obtain a direct contract. When I inquired about it, I was told that it could not obtain a contract to build tugs, so it sold them to the other company, which in turn sold them to the Government.

This, the third interim report of the committee, appears 2½ months after this country's precipitation into war.

It remains the opinion of this committee, 3 months after the outbreak of hostilities, that we Americans—our leaders in military and civilian life, as well as the general public—must apply ourselves to the common effort with a new understanding of the meaning of this war, a new realization of the urgency of our position. Failure to organize the domestic front for the battle of production has already been translated directly into serious defeats for our own armed forces.

These set-backs are traceable to our inability thus far to comprehend the nature and scale of modern warfare and the lengths to which our enemies have gone in preparing themselves. There has been no lack of speeches exhorting the American people to the utmost effort. What has been lacking is an understanding of the characteristics evolved by other nations, both friend and enemy, in the course of their adjustment to this war.

What is lacking now is understanding, on the part of proponents of legislation, of the minds and the mental reactions and feelings of American workers who have been working, and who have done a fine production job. I have heard it said in the corridor that any worker who becomes angry because certain legislation is passed is not a good American. I say that any worker who feels that he is being threatened by his Government with punishment for something he has not done is a good American when he protests.

Sometimes I think of this bill as I think of the mother, inexperienced in raising children, who said to her husband, "Jim, look out in the back yard and see what Johnny is doing, and tell him to stop." I also think of the mother who yelled out the back door, "Come in. Whatever you are doing, I am going to whip you for it."

The Army and Navy procurement agencies resisted the creation of machinery for the most effective coordination of our war effort. Legislation to that end was introduced and was fought bitterly by them, to save the sacred prerogative of buying for themselves. No one ever tried to take from them the right of design, inspection, and so forth; but on two different occasions an effort was made in the Congress to place control of the actual contracting in the hands of those accustomed to dealing in contracts; that effort was bitterly resisted. In spite of all that, a magnificent production job has been performed and is being performed through the joint efforts of industry, labor, and the Government. Nevertheless, our full production potential was not being utilized.

In the middle of 1942 the War and Navy Departments began to press for national-service legislation. That is what it was called. It was a manpower draft, just as the pending measure is a manpower draft. That there was no effort to coordinate, no effort to reach real production, no effort to distribute the work, but, instead, a high concentration of plant building. Every time criticism was made there was a verbal hiding in the fox holes of Bataan, which put any of us who criticized in a bad spot. In spite of all that, the cooperation between labor and management has built up a good production program.

Had we properly distributed procurement over production areas in the first place, we never would have had a manpower problem. We never would have had a need for mobilization. We went at the problem backward. Instead of attacking the problems of manpower mobilization by improving the system of procurement, as we should have done, we dragged the worker to the job by high wages, and now we criticize him on the floor of the Senate because he gets a fairly decent rate of pay. Rather than take the job to the worker, we paid high wages.

I well remember going to plants where management asked me over and over if I could not persuade the Government to permit higher wages in order that certain plants might get employees away from competing plants in the neighborhood. The proposition was not stated to me quite that baldly, but I knew what they wanted. Every artifice was used to raise wages, to compete, and to concentrate. Only recently a large contract was placed in an area where, a year ago, workers were driving 100 miles across a desert to and from work in order that enough employees might be obtained to perform the contracts in the plants located in that city. A huge contract was let in the same city, demonstrating a complete failure to understand mobilization. I suppose we should draft workers and make them drive 200 miles across the desert to and from work so the plan can be carried out.

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

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Oregon?

Mr. KILGORE. I yield.

Mr. CORDON. Will the Senator designate for the RECORD the location and the type of activity?

Mr. KILGORE. I would rather not do so at the moment, because I took the information from a newspaper report. Within the next 5 days I expect to visit the site and verify it personally. Then I shall be glad to answer the Senator's question.

Instead of attacking the problem by improving the system of contracting and procurement, as was urged by many Members of both Houses of Congress, and coordinating manpower and contract letting in the earlier days of the war, our military approached the problem obliquely, with recommendations for freezing production into the then existing production pattern, and for applying military discipline to the civilian economy.

At that time production was the great need, and any military expert will so state at the present time. The need was to terminate contracts for the production of civilian goods, so as to free the plants for the production of war materials.

The Tolan committee's report in 1942, entitled "Changes Needed for Effective Mobilization and Manpower," was devoted to that problem. It demonstrated very cogently that the enactment of national service legislation at that time would have impaired war production.

I should like to read several excerpts from that report, as a part of my remarks:

Training, transfer, and other aspects of labor supply must be directly integrated with war production planning. Testimony summarized in sections A and B shows that large numbers of workers are becoming disemployed and that many will be faced with extended periods of unemployment. National interest requires that these disemployed workers—

Those were workers in plants where civilian production had been stopped, plants which had not been given war contracts—

be reemployed as quickly as possible in the production of military equipment. In the interim period Federal assistance must be extended to these workers.

I quote further from the report:

Labor and management can and must also serve the added function of promoting an increase in industrial efficiency as yet unknown in this country. The lines of battle extend into every machine shop. If Hitler is to be defeated, America must, first of all, defeat him on the production front. If this is a war of bench and lathe—

How true those words are, that this is a war of bench and lathe; but they did not believe it then, when we told it to them—

it is not sufficient that we have over-all planning and organization so that every worker and machine may find its place on the production front. There must be generated the greatest enthusiasm and initiative of every individual worker and employer so that production can be expanded to the utmost.

Does anyone think that a \$10,000 fine and a jail sentence will accomplish that?

I also wish to read the following three paragraphs from the report of October 1942:

The demand for immediate grants of power to compel universal service in industry and agriculture as in the armed forces reflects a lack of confidence in the American people on the part of many administrators. This committee believes the people of the country want clear and simple directions which they are prepared to follow voluntarily. The American public is confused. Much of its confusion is traceable to the conflicting orders and demands emanating from Washington agencies. The people do not believe that these agencies and bureaus have developed clear-cut plans to organize the people for the war effort. This committee in its hearings on September 15, 16, and 17 heard five witnesses who are responsible for various phases of the program for manpower mobilization: Mr. James P. Mitchell, Director of Civilian Personnel Division of the Army Civilian Service of Supply; Maj. Gen. Lewis B. Hershey, Gov. Paul V. McNutt, Chairman Wendell Lund, and Mr. Donald Nelson, Chairman of the



War Production Board. From the testimony of our recent witnesses and from other investigations, however, the members of this committee have come to the conclusion that the agencies charged with the responsibility for manpower mobilization are not ready to assume the further responsibilities of administering a national service act. If such an act imposes universal service upon all the citizens of the United States before these agencies are so reorganized as to carry out manpower mobilization that will inspire confidence in the American people, the effect upon our war effort is bound to be bad. No particular magic attaches to a law unless the people affected thereby are back of it.

The inadequacies of these agencies at the present time charged with these responsibilities lie in three principal directions: First, the absence of any central authority for relating the rate at which the armed forces shall be increased to the demands for manpower in war production; second, the absence of any regional and local machinery for providing an inventory of requirements of war industries and transportation; and third, the absence of any regional and local machinery for meeting manpower demands with an adequate supply, through a program for transfer, training, and upgrading.

Today all these organizations remain in the talk stage and are the subject of endless Washington committee meetings. Why cannot these simple steps be taken? I refer to the simple steps contained in the bill reported by the Senate Committee on Military Affairs, passed by the Senate, and sent to conference. Those simple steps are recommended in the report of the Tolson committee to which I have referred.

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

The PRESIDING OFFICER (Mr. Young in the chair). Does the Senator from West Virginia yield to the Senator from Utah?

Mr. KILGORE. I yield.

Mr. THOMAS of Utah. I should like to ask the Senator one or two questions. The major portion of the Senate bill is contained in the conference report, is it not?

Mr. KILGORE. The major portion is contained in the conference report; the Senator's statement is absolutely correct.

Mr. THOMAS of Utah. So all the steps which the Senate bill implied should be taken, and might be taken, can be taken, under the conference-report bill, if it becomes a law.

Now let me ask the Senator from West Virginia another question; I know he will forgive me for interrupting him on this point. Did the House of Representatives ever have a chance to pass upon the Senate bill?

Mr. KILGORE. I do not understand to what bill the Senator refers. Does the Senator mean the bill which was introduced in the Senate?

Mr. THOMAS of Utah. Yes. In any of their deliberations in regard to the Senate's actions and in requesting a conference, was any vote taken in the House of Representatives—

Mr. KILGORE. No; the vote was to send the bill to conference, as I recall, not to consider the Senate amendments.

Mr. THOMAS of Utah. There was no motion to concur in the Senate amendments, was there?

Mr. KILGORE. I do not think there was. My understanding is that the vote was to send the bill to conference. I rely for my information on that point, not on the CONGRESSIONAL RECORD, but on my recollection of what was told me at the time. I was in hopes, let me say to the Senator, that the House would have an opportunity to pass upon the work of the Senate in the consideration of that bill, before it went to conference, in order that the two Houses might get together on it.

Mr. President, the introduction back in those days of the war mobilization bill was followed by the holding of extensive hearings by a subcommittee of the Committee on Education and Labor. The Senator from Utah is familiar with those hearings, at which representatives of various Government agencies and major war contractors testified. As a result of those hearings, there was a favorable report with respect to the war mobilization bill which at that time was pending. The Senator from Utah well remembers, I am sure, that that bill was for the purpose of coordinating procurement production and creating for the President a general civilian staff to utilize fully the industry and manpower of the United States; and the Senate well remembers the vigorous opposition to that bill by agencies which, but a short time later, were demanding the enactment of a national service law. A national coordination act would have done the job better, would have saved the country billions of dollars, and would have made unnecessary the construction of half of the plants which were built.

For instance, let me ask why it is necessary to build a Navy bombing range on one side of the Columbia River, a range which is used only 2 days a week, and why it is necessary to condemn a vast tract of land on the other side of the same river for use as an Army bombing range which is used only 2 days a week? This demonstrates a great lack of coordination in procurement, it demonstrates duplication and lack of planning, it demonstrates misuse of manpower.

There is a plant in my own State which belongs to the United States Government, and has belonged to it since 1918. It is equipped to manufacture guns of all calibers from 20 millimeter to 6 inches. It was shut down at one time when one department of the Government was complaining because the plant belonged to another department of the Government.

Mr. AIKEN. Mr. President, why was it necessary to spend \$72,000,000 to construct aluminum plants when it was well known that no power was available with which to operate the plants? The plants were built and shut down almost as soon as the construction of them was completed. Seventy-two million dollars and all the manpower which had been expended in connection with the construction of those plants was lost to the people of this country. I believe that the Senator from West Virginia could cite not only a dozen instances but hundreds of instances of similar misuse of manpower and money by governmental agencies.

Mr. KILGORE. I thank the Senator for his statement. It is very pertinent.

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

Mr. KILGORE. I yield.

Mr. THOMAS of Utah. I, of course, agree with what the Senator has said. The mistakes which were made were not mistakes of the Congress of the United States. The Congress rectified mistakes which others had made. At the present time we have a different situation. While the answer will be highly speculative, I ask the Senator from West Virginia what effect the rejection or adoption of the conference report may have on the war effort so far as our soldiers and our enemies are concerned? Let us assume for a short time that there is such a thing as psychological warfare. Let us assume also that mistakes have been made in the past. When the President, the generals, the admirals, the Director of the War Production Board, and other high governmental officials are asking Congress to give them something which will be supplied by the enactment of this measure, if we refuse to give it to them will not the blame be upon Congress, in the event a mistake is made, through its failure to enact the legislation?

Mr. KILGORE. I may say to the distinguished Senator from Utah that I was coming to the very point which he has raised. We followed the advice of certain persons in going along a certain course. It led them, so they said, to the end which they had anticipated. We are now asked to take another step. Who will take the blame for it if it turns out to be a mistake? Certainly not the persons who are asking us to take it. The Senator knows that the United States Senate will take the blame, with the House of Representatives, and the President of the United States. We are thrown upon both horns of the dilemma. The doctor having prescribed poison on two or three previous occasions, is it advisable to take another prescription from the same doctor who might make a mistake again in diagnosing and prescribing for the disease?

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

Mr. KILGORE. I yield.

Mr. TAFT. I wish to ask the Senator from Utah whether the Secretary of War and the Secretary of the Navy did not come before the committee and insist that we pass the May bill for national service in order to satisfy the morale of the soliders? Was it not the distinguished Senator from Utah who opposed the wishes of the Secretary of War, and the Secretary of the Navy, when the measure to which I have referred was before the Senate? What he now suggests that we do was not done by him when the bill to which I have referred was before the Senate on a previous occasion.

Mr. KILGORE. Mr. President, I was in the committee meeting with the Senator from Utah when he endeavored to do what he had been asked to do. Like a good committee chairman, he accepted the wishes of his committee and came upon the floor of the Senate with the

bill reported out by the committee, and fought for what the committee had reported. In other words, in accordance with the good old American practice of following the will of the majority, he loyally supported the bill reported out by his committee. I must make that defense of him in connection with his action with regard to the May bill. I was with him in the committee, and I know full well that he is not in position to make a defense of his actions here on the floor of the Senate.

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

Mr. KILGORE. I yield.

Mr. THOMAS of Utah. I think the Senator from Ohio has done a very brave thing. I doubt that in the history of the Senate of the United States a similar act has ever occurred before. I refer to the action of the Senator in standing up and suggesting that another Senator's logic should be turned against him. I wonder if the Senator from Ohio will ever dare again to make a remark upon any subject as long as he lives.

Mr. TAFT. Mr. President, I have only suggested that the argument has been made that we must do what the officials of the Government say we must do in order to bolster the morale of the soldiers. I merely wished to point out that the Senator from Ohio was not doing what the officials of this Government want him to do. He is proposing something else. He supported in the Senate a bill which was passed by the Senate. It was denounced as being wholly insufficient and, according to the Secretary of War, not at all satisfying the demands of the soldiers. It seems to me that it is not for the Senator from Utah to say now that we must comply with everything which the officials of this Government demand, because he himself has not complied with the rule which today he apparently is prescribing for us.

Mr. KILGORE. Mr. President, for a moment I revert to the time when the Committee on Education and Labor considered the total mobilization bill in 1942. It would have mobilized the Nation for total war. I had the honor to be one of the sponsors of that bill. I well remember, as other Members of this body no doubt remember, that Senators were called off this floor to the adjoining rooms by high-ranking Army and Navy officials, as well as the Secretaries of War and Navy, and urged to have that bill taken from the Committee on Education and Labor and referred to the Committee on Military Affairs, so that it would not be acted upon. Even after that action was taken and the bill was taken away from the committee, which had spent 2 months studying it and was ready to write a favorable report urging its passage, and referred to the Committee on Military Affairs with the idea of burying it in a pigeonhole there—in the face of that the President of the United States appointed two of the officials proposed to be created by that bill, to wit, a Director of War Mobilization and a Director of Economic Stabilization. The whole idea was we must not in any way coordinate procurement. If we should coordinate procurement—well, all sorts of things might happen.

So, we passed through that phase, when civilians were trying to set up a war economy in this country that would produce. In spite of no coordination, in spite of no centralization of procurement, industry and labor in this country got together and produced so abundantly that the result was the marvel of the world. They produced not only enough to equip and to supply our own forces of more than 12,000,000 but also to furnish the Russians with the necessary equipment to enable them to deliver the finishing punch to the Germans at Stalingrad, and subsequently to drive them back to the outskirts of Berlin; and, furthermore, to provide the British with sufficient munitions and supplies to enable them to turn back Rommel at El Alamein and drive him across the desert, and to drive the Germans into northern Italy, and to drive the Germans across France and beyond the Rhine. Yes, that has been done through the cooperation expressed in the charter which I described when I began my remarks—through cooperation between the industry of the United States and the workers of the United States to get the job done, and at the same time to maintain a decent standard of living in the United States, in spite of all the material which had to be diverted to the war effort. After accomplishing all that, the selfsame people who did not want coordination now reverse their position. They do not say we are short now. I defy any Senator who has spoken to point to a direct statement made by the Chief of Procurement of the Army or of the Navy that there is any existing shortage. They cannot point to a single potential shortage. The only potential shortage they point to is in the event Germany falls, when the workers are all going to quit the plants and go—where? Oh, some place else.

I again call attention to the fact that it has not been a year since there was pending in the Senate a bill which we tried to have passed, containing certain features with reference to unemployment compensation. That bill was designed to obviate, without making any effort at coercion which is so repugnant to the democratic souls of the American workmen, to meet the situation with regard to workers quitting their employment.

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

The PRESIDING OFFICER. Does the Senator from West Virginia yield for that purpose?

Mr. KILGORE. I yield.

The PRESIDING OFFICER. The clerk will call the roll.

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

Alken	Hatch	Maybank
Austin	Hayden	Moore
Balley	Hill	Murdoch
Barkley	Johnson, Colo.	O'Mahoney
Brewster	Johnston, S. C.	Smith
Burton	Kilgore	Taft
Butler	La Follette	White
Cordon	Langer	Wilson
Gerry	McFarland	Young
Guffey	McKellar	
Hart	McMahon	

The PRESIDING pro tempore. Thirty-one Senators having answered to

their names, a quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and Mr. BANKHEAD, Mr. CONNALLY, Mr. GEORGE, Mr. SALTONSTALL, and Mr. THOMAS of Utah answered to their names when called.

The PRESIDING pro tempore. Thirty-six Senators having answered to their names, a quorum is not present.

Mr. BARKLEY. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING pro tempore. The question is on the motion of the Senator from Kentucky [Mr. BARKLEY].

The motion was agreed to.

The PRESIDING pro tempore. The Sergeant at Arms will execute the order of the Senate and request the attendance of absent Senators.

After a little delay, Mr. PEPPER, Mr. BILBO, Mr. JOHNSON of California, Mr. FULBRIGHT, Mr. CHAVEZ, Mr. WILEY, Mr. ELLENDER, Mr. WHEELER, Mr. BYRD, Mr. TAYLOR, Mr. STEWART, Mr. HOEY, Mr. O'DANIEL, Mr. BALL, Mr. BRIDGES, Mr. DONNELL, Mr. GURNEY, Mr. MCCARRAN, Mr. MILLIKIN, Mr. SHIPSTEAD, Mr. TOBEY, Mr. VANDENBERG, Mr. WHERRY, Mr. HICKENLOOPER, and Mr. RADCLIFFE answered to their names.

The VICE PRESIDENT. Sixty-one Senators having answered to their names, a quorum is present.

Mr. KILGORE. Mr. President, at the time of which I speak, when the war mobilization bill was pending in the Senate, it is well known that representatives of the War Department and the Navy Department made an active and successful effort to have the bill taken from the Committee on Education and Labor, by which it had been considered for some time, and have it transferred to the Committee on Military Affairs, in an effort to block it. I was chairman of the Military Affairs Subcommittee which held executive and public hearings on the war mobilization bill, before its introduction. On May 13, 1944, the subcommittee reported favorably to the full Committee on Military Affairs, and recommended that an Office of War Mobilization be immediately established for the purpose of supervising and coordinating all war agencies. I wish to read briefly from that report:

This first interim report is based on hearings held in executive session on April 16, 17, and 19 and on certain independent studies and investigations pursued by the committee. Testimony was given by Justice James F. Byrnes, Mr. Paul V. McNutt, and Mr. Charles E. Wilson with regard to the interrelation of the Office of Economic Stabilization, War Manpower Commission, and War Production Board. Questioning of the witnesses was directed principally toward section 3 of S. 607, a bill to establish an Office of War Mobilization.

The committee reported as follows:

It is evident that this section proposes the establishment of a program committee, in which is vested full authority, subject to the approval of the President, for establishing an over-all war-production program, and the powers to keep all parts of this program in balance.

Evidence studied by the committee shows urgent necessity for such action. The com-



mittee feels that these facts are of such compelling importance at this time that they should be released at once rather than at the termination of the committee's deliberations concerning S. 607.

Later in the report—and I desire to call this matter most particularly to the attention of the Senate—it was brought out that the War Manpower Commission had been virtually reduced to the status of a service station. That report was made early in the spring of 1943, and I read further from it:

It would appear that the War Manpower Commission has been reduced virtually to the status of a "service station," attempting to supply requirements as stated by a number of claimants.

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

Mr. KILGORE. I yield.

Mr. HATCH. I simply wish to make the point of order that there is no order in the Senate.

The VICE PRESIDENT. The point of order is well taken. The Senate will be in order.

Mr. KILGORE. Mr. President, I read further from the report:

The Chairman of the Commission testified that requirements of manpower for the armed forces are determined unilaterally by the War and Navy Departments. The Food Administrator determines manpower requirements in agriculture, and these are not reviewed by the War Manpower Commission. Demands of war contractors for manpower, according to the chairman, are merely being checked on a statistical basis to determine whether original statements of needs conform with final hirings. There has been no practical control over the validity of demands by war contractors or to prevent hoarding, inefficient use of labor, unnecessary absenteeism, or labor idleness resulting from poor production methods and organization.

The evidence indicated that no machinery exists for balancing the demands of the various claimants in such a way as to preclude the possibility of any one program obtaining manpower at the expense of others.

Testimony showed that war production was being expanded or cut back in individual plants without consultation with the War Manpower Commission. Further, according to testimony, such expansions and cut-backs do not become known to the War Production Board until after they have taken place, and then in many cases by accident.

The War Manpower Chairman is without power to alter the demands placed upon the Commission. If he wishes to revise any demand placed upon War Manpower Commission, the Chairman must take up each question separately with the President. Such was the procedure in the determination of the size of the Army.

Recognizing that it has been excluded from the field of manpower demand, the War Manpower Commission has come to consider itself as a supply agency. However, the war contractors continue to hire through their own employment offices. Thus the War Manpower Commission has been excluded in most industrial areas from even its declared function as a supply agency.

As proof of the continued existence of that condition let me point out that only recently in my State there were so many recruiters for contractors in the Manpower Commission's offices that there was no desk space for War Manpower Commission workers there.

I read further from the report:

There is only one activity left which the Manpower Commission can perform. That function is to freeze manpower on the job.

The War Manpower Commission has undertaken steps to freeze the supply of manpower. In the past 6 months it has established stabilization plans in certain areas which prevent a worker from leaving his present job unless the employer agrees to his separation or unless the worker has obtained a "certificate of separation" from the local office of the United States Employment Service.

It must be understood, Mr. President, that on the basis of the present statutes the system is still a voluntary one. For instance, I well remember that only recently workers from my State who were working in shipyards in Baltimore would leave their jobs without such certificates and would go to Philadelphia and obtain work there because of the higher wages offered to them.

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

Mr. KILGORE. I yield.

Mr. HATCH. I think the Senator from West Virginia has made a misstatement regarding the practices and procedures. Presently I hope to show that already in the administrative offices of government the War Manpower Commission is doing far more without legislative authority than the pending bill contemplates. I know the Senator from West Virginia does not approve of that.

Mr. KILGORE. Let me say to the Senator from New Mexico that I was reading from a report made in 1943 showing the conditions then existing. I intend to discuss the condition existing as of today also in order to show what happened after that report was written. The report from which I have been reading is dated May 13, 1943, and it describes the conditions existing at that time. Those conditions have contributed largely to the complaints made regarding manpower.

Mr. HATCH. Mr. President, I do not desire to interrupt the Senator from West Virginia but I notice that he is referring to conditions existing in 1943. If he will examine the reports made by our own committee in 1944 and 1945, he will find that the administrative officers are doing a great deal more, without statutory authority, than is provided for in the pending bill. I have the feeling that the Senator from West Virginia would prefer to have Congress write its own regulations on such matters.

Mr. KILGORE. I would. I thank the Senator from New Mexico for his comment, because the statement he has made relates to a point I desire to make, namely, that under the voluntary method of administration which has been built up, we have, without legislation, approached the present peak.

Mr. HATCH. Let me say to the Senator that we have not only approached the present peak but we have gone far beyond what is provided in the pending bill.

Mr. KILGORE. And we have done it by voluntary methods.

Mr. HATCH. Oh, no; that has not been done by voluntary methods. It

has been done under authority conferred by the Congress on administrative officials.

Mr. KILGORE. That is correct; I agree with the Senator from New Mexico on that point.

Mr. HATCH. Frankly, I would prefer to have Congress write its own bill.

Mr. KILGORE. Yes; so would I.

I read further from the report:

Testimony of the War Production Board Vice Chairman indicated that that agency also has been reduced virtually to the "service-station" status. Principal demands for facilities and raw materials represent unilateral decisions by claimant agencies and the War Production Board exercises no serious power of review. Unilateral determinations are made by the armed services, maritime and shipping agencies, the Food Administrator, the Rubber Director, and the Petroleum Administrator.

Only in two particulars have the old relationships been altered by recent administrative changes. The War Production Board has undertaken to schedule the flow of critical components. Also, Mr. Charles E. Wilson is exerting very real pressure to improve inventory control and to improve scheduling of materials by the services.

In no single phase of the war-production program does centralized control exist at the present time. This is true of materials, distribution, scheduling, use of facilities, and contracting. In summary, the War Production Board is not a war-production board. It does not function as an over-all production organization.

That was the condition which prevailed in 1943, and it showed a vast improvement over the conditions which were found by the various committees in 1942. The accomplishment was entirely without compulsory legislation of any kind.

It is well to remember what cooperation between labor and industry can do. Let me cite the situation which existed in the airplane industry on the west coast in the spring of 1942. At that time plants were running far behind their capacity to produce. Gossip, as usual, was rife to the effect that labor was not producing, that labor was inadequate, and that it was insufficient in number. A survey was made by the National Defense Committee of all airplane plants on the west coast. Conditions of misallocation of materials were found. The subcommittee which conducted the investigation suggested one of two possible courses of action, either an agreement among the industrial members to handle the flow of material, or an over-all production director for the airplane industry. When the situation was pointed out, the industry immediately formed a committee to cooperate with the governmental agencies in the handling and allocation of materials between plants in order to insure that one plant would not hoard forgings, another hoard forms, another hoard sheets, another hoard instruments, and so on. In conformity with the plan which was formulated, industry made its supplies available to all members of the industry, and production increased 30 percent within 90 days. That is an example of how cooperation achieved results.

Upon the filing of the report from which I have previously read, the President, under the powers conferred upon him by Congress, created by a directive the Office of Director of War Mobilization. The Subcommittee on War Mobilization of the Senate Military Affairs Committee filed another report in June 1943 urging as follows:

Production to date has been obtained by following peacetime practices which are causing disintegration on the home front. Only all-out production will unify the whole Nation.

This was still in the spring of 1943.

On May 28, 1943, an over-all Government agency, the Office of War Mobilization, was created along lines advocated by this committee. Charged with the duties and responsibilities of effecting total mobilization, this Office has been in existence insufficient time either to study fully the problems involved or formulate the necessary policies.

To understand more clearly the fundamental issues of war mobilization, constructive thought both in and out of Government must be brought to bear. It is the hope of this subcommittee that these present findings will aid the new Office of War Mobilization both in determining its procedures and executing its policies.

Establishing a high command on the home front becomes even more timely as our troops gird for great offensive actions. The Roosevelt-Churchill conferences and their staff talks, on the heels of our victory in north Africa, augur even greater victories. The full might of the United Nations is attacking. We have retaken Attu; we have battered Pantelleria into submission after routing picked Axis troops at Tunis; our Chinese allies have stopped a Jap offensive on the Yangtze; on the west of Europe we are pounding the Axis from the air as our Russian allies keep their forces at bay in the east; we are slowly but surely clearing the seas of Axis submarines. These attacks come from troops and arms which are mobilized and directed by precise military planning.

This precise planning has been done long before the launching of these attacks, the success of which is completely dependent upon unified control in the execution of the advance plan in the theater of operations and in the zone of the interior, namely, the home front. Successful conclusion of the operation is dependent upon adequate and timely delivery of supplies. This makes necessary total mobilization of the home front through advance planning of all phases of the supporting home front economy. Both in battle and at home balanced and integrated flow of war weapons is a prerequisite for victory. An abundance of one item cannot compensate for a shortage in another. For example, an oversupply of tanks will not overcome a shortage of ammunition. Necessity to maintain balance between war production and essential civilian supply further emphasizes the need for advance planning.

Mr. President, that was in 1943. At that time there were complaints of shortages. Yet, when the proponents of the pending legislation ask us to enact it no complaint is made that a shortage now exists. We are asked to anticipate that a change in trend may bring about shortages. They ask us to anticipate such shortages, and to provide drastic penalties, the like of which have never before been adopted in this country.

Mr. President, there is another thing which was brought to my mind today by an editorial in the Washington News entitled "Legislating for Byrnes." The editorial is as follows:

Congress liked Jesse Jones. It had confidence he would not lend Government money foolishly. So while Mr. Jones was head of the R. F. C. Congress granted that agency discretionary powers to lend almost any amount of money, to anybody, for any purpose, at any rate of interest, and for any length of time.

Then suddenly one day Mr. Jones was fired. And a fearful shudder ran through Congress at the prospect of Henry Wallace taking over those same free-lending powers. While the Wallace fight was on, many Congressmen firmly resolved that never again would they legislate to fit the personality of a particular administrator.

But again Congress is basing its legislative judgment on the personality of a single administrator. Congress likes War Mobilization Director James F. Byrnes. It knows him as a conscientious, discreet, and experienced public official. It has confidence he will not abuse the powers voted to him. So in the pending compromise which has evolved out of the work-or-fight bill, Congress is granting powers over the lives, jobs, and businesses of Americans which it would never think of granting, for instance, to War Manpower Commissioner McNutt, or draft Director Hershey. Power to freeze a worker in a job, power to regulate or prohibit hiring, power to fix a ceiling on the number of employees of any business firm. And with penalties up to \$10,000 and a year in jail.

Yet, does Congress know how long Mr. Byrnes will remain as Director of War Mobilization? Or who would succeed to those powers if he should quit—as he has many times expressed the desire to do?

Congress should establish policies, define rights and responsibilities of citizens under Government by law, but it should not grant so much discretion to any man.

Mr. AIKEN. Mr. President—  
THE VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Vermont?

Mr. KILGORE. I yield.

Mr. AIKEN. I thank the Senator for yielding, because since the Senator started speaking I have received a telegram which brings up a point which has not been touched upon in the Senator's remarks, or in the remarks of any other Senator who has spoken upon the subject now before the Senate. The telegram reads as follows:

MONTPELIER, VT.

GEORGE D. AIKEN,  
Senate Office Building:

We are strongly opposed to conference report on manpower bill. Manufacturers feel that freezing men in plants may make it increasingly difficult to secure additional employees.

ARTHUR B. PORTER,  
Manager, Associated Industries of Vermont.

Mr. President, the point the telegram raises is that there are hundreds of thousands of people patriotically inclined to this country who find themselves able to perform service in war work for a short period of time. I have in mind a school teacher who is having 2 months' leave of absence, and who called at my office a few days ago. She came to Washington and obtained a job in some essential war work for the 2-month period.

We know that throughout the country there are hundreds of thousands of people who find that they can put in a few weeks or a few months on essential war work. However, as the telegram I have read suggests, if people in that category know that if they accept temporary work

in essential plants they will be frozen there and cannot return to their old work, which may be just as essential, the result will be a very great reluctance on their part to accept temporary employment, even though such employment would in the aggregate contribute greatly to the war effort.

As the Senator was speaking of the plans which were made in the early part of the war for the use of manpower and plants, this thought came to my mind: I suppose one of the most efficient plants in our country is the Willow Run plant of the Ford Motor Co., where Liberator bombers are made. If I remember correctly, there was a news item of 2 days ago which indicated that this plant had turned out its eight thousandth bomber. I have had the privilege of inspecting that plant and seeing the remarkably good work that is being done there.

What surprised me was to find that nearly 1,000 bombers had been completely made in that plant in Detroit and then shipped by rail to Texas, to be assembled there, and another thousand, or almost a thousand, had been manufactured in toto at Willow Run and had been shipped by rail to Oklahoma to be assembled there.

I raised this question: If they wanted to get the planes to Texas and Oklahoma, why not assemble them at Willow Run, where they were all ready to be assembled, and fly them to their destinations? I found that that would save an infinite amount of manpower, it would save the overburdened railroads from having to transport them, and it would save money. But they had to be sent to Texas and Oklahoma in order to make work for plants down there. That is one example of the Army's use of manpower—one example among hundreds.

Mr. KILGORE. I thank the Senator from Vermont for his contribution. I am very familiar with the situation.

Mr. AIKEN. I thought the Senator would recognize it.

Mr. KILGORE. The planes are completed except for hooking the wings and fuselage together, then they are shipped to the other plants merely to be put together. Some of them were shipped initially by truck and trailer, requiring an enormous use of rubber and gasoline. I think it has now been found that there is a way to ship them by rail, but initially they were shipped by truck and trailer.

Mr. AIKEN. I think they have pretty largely stopped shipping them now, but they were shipped. Someone suggested that they were shipped in a knocked-down form in order to give workers in Texas and Oklahoma practice in putting them together. But a thousand planes were not needed for that purpose in Texas and a thousand were not needed for that purpose in Oklahoma. They were sent there only to furnish work for the plants in those localities. It was not good use of manpower.

Mr. KILGORE. The Senator from Vermont is correct. I wish to call his attention also to one other possibility of the freeze. The Senator's State is Vermont; mine is West Virginia. There are in the State of West Virginia, and doubtless there are in the State of Vermont, numerous farmers who go to war plants



and work when they do not have to labor on their farms. If they are frozen in those plants, their farms will be devoid of farmers in the coming summer. Now, however, we do get 12 months' work out of the year from them because of the shuttling of those workers. Is that true in Vermont as it is in my State of West Virginia?

Mr. AIKEN. It is; and with the enactment of legislation such as is now proposed there will be no more people leaving the farms temporarily to work in war plants, running the risk of being frozen there and losing everything they have at home.

I wish to say further that, even while the representatives of the War Department were before the committee testifying as to the urgent shortage in manpower, one of the largest plants in my State was reducing its working hours from 48 to 40 hours a week. However, it was later required, for the looks of the thing, to put the workweek up to 44 hours, but there was a reduction in the working hours from 48 to 44. Otherwise it would have been necessary to let some of the men go.

I was in Hartford, Conn., a couple of weeks ago, and found that there had been quite extensive laying off of help in that very important industrial city. The situation seems to be more one of confusion than of actual shortage. Perhaps that is also true of the meat business about which we have been hearing so much.

Speaking of the meat business, I am sure the Senator will be glad to know that, according to my understanding the Army is opening four new commissaries in Washington within the next few days to furnish supplies at cost to members of the armed forces and their families, and, I am afraid, to some of their friends. These new establishments are to be manned by Army personnel, and thereby we will have another leak in the manpower situation.

As I think the Senator from Wyoming [Mr. O'MAHONEY] pointed out earlier today, mistakes have been made; but I should like to add that these mistakes have not been made by American industry and they have not been made by American labor, which has indeed, a remarkable record. Industry also has one of the most remarkable records the world has ever known. The mistakes have not been made by the American farmers, who have produced more than it was ever expected human beings could produce in the way of food and fiber. Mistakes have been made, but they have been made by those to whom we are now asked to give absolute power over every working person in this country.

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

Mr. KILGORE. I yield.

Mr. WHERRY. I do not want to interrupt the Senator's address, but I should like to ask a question because there are some of us from the Farm Belt who are intensely interested in the subject. Clarification of the so-called Tydings amendment is contained in the bill, is it not?

Mr. KILGORE. Yes; the provision of the bill which was passed by the Senate has been retained.

Mr. WHERRY. That has to do, however, only with selective service?

Mr. KILGORE. Yes, but suppose a farmer becomes frozen while temporarily working in an industrial plant, then there must be further clarification. That is a situation which may arise, and that is what the Senator from Vermont [Mr. AIKEN] spoke of a short while ago.

Mr. WHERRY. I could not hear the statement made by the Senator from Vermont. The point I want to make is that there are those who feel that the Tydings amendment clarifies only the selective service, and does not in any way preclude the Administrator of this measure utilizing the help on the farm. The help on the farm come under the provisions of the bill, do they not?

Mr. KILGORE. Yes.

Mr. WHERRY. That should be pointed out clearly, because even though a man might be deferred under the provisions of the Tydings amendment, yet if the Administrator desires to take him off the farm it is within his power to do so under the provisions of this measure. Am I correct in my interpretation?

Mr. KILGORE. I believe the Senator is correct, particularly as to workers who in the seasonal crop States in large number work only in the summer on the farm, and spend the remainder of the time working in industrial plants. Such individuals would certainly be frozen in their jobs.

Mr. WHERRY. There would be no chance for them to stay on the farm. If they went into industry they would not be frozen on the farm.

Mr. KILGORE. The measure would not only create dictatorial powers in one administrative agency, but it would also create what is still worse, the delegation of dictatorial powers to many and varied agencies. For instance, the director under the provisions of the conference report, can select one agency which shall fix ceilings and make in-plant survey of merely one plant, and select other agencies to deal with all other plants, or shift them as he sees fit.

There is another thing which could be done which it would be perfectly human to do—that is the delegation of power to the contracting agency. In selecting the agency to fix ceilings and to do all the freezing and handling, it would be perfectly normal for an administrator to direct the agency which makes the contract with the plant to look after the question of manpower, ceilings, and freezing. I think I can safely say that there will be small chance that anything else would be done.

We have all seen the competition that has taken place in the past. Each wanted to get its program through regardless of whether the other's program came through or not. Shipyards were fighting the airplane plants for labor. There was a fight between steel and copper producers. It was only through the co-operative effort of the industrialists themselves, when they got together, that the disputes to a large extent were elimi-

nated. That was done through their boards, together with the War Production Board. When we got the over-all board's study the problems, intergration and cooperation were secured.

We made surveys of numerous plants, and when we found a plant to be overmanned, and so reported, the agency which made the contract with the plant felt it should take action as a measure of self-defense. In other words, when our report showed an overmanning and poor labor utilization, the agency officials, put themselves in the position of the plant. If we proved the plant was not well conducted we were proving that the agency had not used proper discretion. Thereupon the agency immediately went to the rescue of the plant and tried to prove that those who pointed out the situation were in error. There was constant action by agencies and congressional investigating committees and various others to get at the true state of facts.

Mr. President, will not the same thing occur again? In other words, a certain Government agency, whose officials are not themselves expert industrialists, having a contract with X Company, and wanting to push the production, will raise the ceilings on X Company's plant and will overlook the manpower utilization program in order to hold the plant up because they want that plant to make a good showing. The plant is making something they want and they pick it out and put it on the job of making the particular item. So, I ask will we obtain a fair in-plant survey or fair enforcement? If we are to have an in-plant survey, would it not be better to have it made by a disinterested agency which cannot be blamed if a mistake has been made, but which can show that the plant is not utilizing its manpower?

Frankly had Government agencies been as careful in their surveys as they should have been, and as careful as they should have been in checking up on contractors, there would have been very little upon which the National Defense Investigating Committee would have needed to make reports. But it was in ferreting out such conditions that we found the necessity for improvement.

We are now faced with the danger which always exists when too great a delegation of power is made to an administrative official, when the power without limit is given him to delegate to other agencies his full and complete power for the purpose of enforcement. It were far better that Congress should say, "Thou shalt administer this law; thou and thine own agents; and for the action of thine agents thou alone shalt be responsible." Then there would be a fixing of responsibility which would guarantee to the people of the United States a fair and just and decent enforcement of the law. If we were to adopt the conference report I should say it would be far better to provide that the Director of War Mobilization himself shall make the surveys, and not give him the authority to delegate. That is one of the dangers inherent in the conference report which I think the Members of the Senate should bear in mind in considering the report.

Mr. WHERRY. Mr. President, will the Senator yield for another question?

Mr. KILGORE. I yield.

Mr. WHERRY. I ask for information. Will there not be a tendency in the final analysis to take workers away from States where there is not a great deal of industry and in which there are no critical labor areas, and send them into the critical areas, which would include taking workers off the farms? How will the plan work in the Senator's opinion?

Mr. KILGORE. Let me say to the Senator from Nebraska that it most certainly will work in the way he suggests. The situation will even become aggravated. I will tell the Senator the reason why. We now have a rule that a plant in a critical area may not obtain a new contract unless it can show that it has the necessary manpower without increasing its supply. It is only human nature for a plant manager to try to jack up his plant ceiling in order that he may obtain new contracts, to make sure that his plant will continue to run. Is not that perfectly normal procedure? Is not that the way any good businessman would act?

Mr. WHERRY. Certainly.

Mr. KILGORE. There will arise, then, the battle for power. There will be terrific pressure to make sure that the right agency fixes the manpower ceiling in a particular plant. The swarm of lobbyists in connection with that effort will not be like the 17-year locusts, which appear only once every 17 years. The lobbyists may remain with us for 17 years in an effort to have plant ceilings jacked up high enough to shove more contracts under them, at the expense of the already denuded areas which have had the major portion of their manpower taken away from them.

The effort we are now making is to bring the work to the worker by saying that too much production activity should not be crowded into an already overcrowded area. We try to find a plant in an area which is not overcrowded. If the pending measure is enacted into law, that plan will be completely ruined.

Mr. WHERRY. The pending measure would operate exactly in opposition to what we have been trying to do, namely, to bring the work to the workers, rather than to bring the workers to the work.

Mr. KILGORE. The Senator is absolutely correct. That is another danger in the bill.

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

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

Mr. KILGORE. I yield.

Mr. AIKEN. I believe I can tell the Senator from Nebraska what will happen to the manpower on the farm, judging from what has already happened. A few months ago in my State, between three and four thousand men had been discharged from the armed services. Of that number, only slightly more than 200 have gone back to the farms, or between 6 and 7 percent, although probably 30 percent of them had come from the farms before they entered the armed services. That is a pure estimate on my part, but I think it is approximately cor-

rect. Between 3,000 and 4,000 men were discharged from the armed services, of which number only slightly more than 200 returned to the farms. The others were channeled into industry. So labor has been siphoned from the farm into industry, through the armed services. Of course, some of those men probably were not able to work, but I suspect that most of them were. Some of them had become over-age, or had developed physical difficulties; but they were not going back to the farms. If this bill is enacted, we shall find that if they leave the farms temporarily to go to work in industry, they will be frozen in industry. I mentioned the school teacher on vacation, who wished to spend a few weeks in some essential war work. Undoubtedly there are others in the same situation. If they are frozen in industrial employment, and cannot return to their original permanent positions, they will be very reluctant to accept temporary work in essential industry, whereas now there must be hundreds of thousands of persons in this country who are contributing to the war effort in this temporary manner.

Mr. KILGORE. There is another possibility to which I wish to call attention. In increasing numbers our soldiers are returning from the service because of partial disability, or for other reasons. I have yet to see a returning soldier who did not have one of two ambitions—either to complete his education, which had been interrupted, or to go to work.

The returning soldier does not want to go to work under any system of Army discipline. He wants to go back to civilian work. It is a job for him to adjust himself. All too frequently he does not know what he can do, and he must shop around from plant to plant until he finds something at which he can work successfully. Under the terms of the pending measure, when he takes a position in one plant he must remain there. There is nothing in the bill which would permit discrimination in favor of a wounded returning soldier. He would become a part of the manpower pool, and there would be no opportunity for him to become adjusted to civilian life and civilian industry by finding the place where he can do his best work.

I believe that those particular features have been too frequently overlooked in considering the provisions of the bill. We have paid a little too much attention to the enforcement features, the \$10,000 fine and the year in jail. The \$10,000 fine and the year in jail would enforce the features about which I have complained. That is a dangerous thing about the bill. For that reason, the fine and jail sentence become doubly obnoxious.

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

Mr. KILGORE. I yield.

Mr. AIKEN. The Senator from West Virginia spoke of the returning soldier having difficulty in finding the proper employment. If I correctly understand the report of the conference committee, he could work only in such places as might be approved by the Director of War Mobilization and Reconversion.

Mr. KILGORE. Yes; and there he must stay.

Mr. AIKEN. He would be prohibited from going to work in any other place. If he accepts employment in a certain plant, he must stay there if the Director of War Mobilization and Reconversion says he shall stay there.

As I stated yesterday, I cannot see why the discharged serviceman would not come under the complete control of Government the minute he was honorably discharged from the Army unless he had an independent income and did not have to go to work.

Mr. KILGORE. The Senator is correct.

Mr. President, in conclusion, let me say that there is one further factor which we must consider, and that is the workability of any legislation which we may enact. I was very much surprised, when we were conferring on the bill which was reported by the Military Affairs Committee and passed by the Senate, to find that industrial leaders were perfectly agreeable to restrictions upon industry, and to fines and imprisonment for violations of the law. However, they were vigorously opposed to invoking the same sanctions against workers. I inquired of leaders of industry as to the reason for that position. While my good friend the Senator from Utah [Mr. THOMAS] was talking about the psychology involved in the enactment of the pending bill I thought of the psychology involved in the position of the industrial leaders with whom I had talked. I believe that the psychological reasons behind their position are, first, that a willing worker is efficient and that an unwilling worker produces little. Secondly, an unwilling worker hampers the efforts of a willing worker. It is a task of incomparable size to attempt to invoke sanctions against individual workers; whereas if the problem were handled through employers and through the normal course of employment methods, sanctions against employers would control recalcitrant workers.

Mr. President, much has been said about the psychology involved in enacting the proposed legislation. I know that I experienced a lift in spirits every time I found that Germany or Japan had to take drastic steps to stay in the fight. I have never understood why it was not good psychology to let our enemies know that we are amply prepared. That is particularly true when we, as a nation, can show an unparalleled record. In comparison with nations having compulsory legislation we, with a voluntary cooperative system based on pure patriotism, have shown a better work record, greater production per man-hour, less absenteeism, and less turn-over on the job. On a purely voluntary basis, from pure patriotism, why punish a worker who wants to do that, merely because, as someone has said, "I want to get some work out of a beer-hall loafer?" Who in the world ever contemplated getting work out of a beer-hall loafer? I would not want to ride in an airplane that such a man had helped to rivet. I would not even want to ride on a train for which such a man was flagging, because he would not want to work, and



he would not work. He is not an asset to the country. Why should we put him on the pay roll merely because there are a few like him left in the world? Why should we punish and threaten the loyal, producing group of American industry who have done this magnificent job, simply to verbally spank a few loafers and put them on a nonproductive pay roll? That is another point I think the Senate must consider.

Mr. President, I trust that when the Senate considers those points it will see fit to say to its conferees, "Take this report back. Ask the House of Representatives to consider the Senate bill, and get the conferees on the part of the House of Representatives to submit the Senate bill to the House. That bill was very carefully worked out in the Senate, with the advice, consent, and approval of the people who have accomplished this miracle of production."

Let us give the House of Representatives a chance to consider that bill. Let us not blindly and foolishly take the easy course and accept a bill fraught with danger, merely on the promise that "We do not think we are going to use it; in fact, we do not think we are going to need it."

Mr. President, I think those are the two points the Senate must take into consideration before voting on the conference report.

Mr. TAFT. Mr. President, I desire to explain briefly the reasons why I shall oppose agreement to the conference report. The bill which is before us is like the Senate bill for which I voted with a good deal of hesitation and doubt, but it goes a good deal further than the Senate bill went.

In the first place, in section 2 the purposes of the bill are stated. The purposes are changed. It is now asserted, as the purposes—

Sec. 2. (a) In order to adequately support the Army and maintain the Navy during the present war, and to carry into effect the provisions of the declarations of war pledging all of the resources of the Nation to bring the conflict to a successful termination, every individual not in the armed forces shall have an obligation, when called upon, to serve the Nation in an activity essential to the war effort.

The determination of what activities are "essential to the war effort," insofar as the bill is concerned, is left practically to the decision of one man. He will have the right to determine what is essential and what is not essential. Today I think practically every activity is essential to the civilian economy or to some other feature of the war or to features which are incidental to the war.

In the second place, it is then stated—

(b) The purposes of this act are to provide the most practicable and effective means to accomplish the fulfillment of such obligation and to provide for making the most effective use of the manpower resources of the Nation by the following means, among others—

The words "among others" imply that the means are wide open.

Thereafter, section 5 of the bill authorizes the Director of War Mobilization to issue regulations to carry out the

purposes of the bill. It seems to me that if we authorize any administrative official to issue regulations to carry out the purposes of a measure, we are in effect authorizing him to write the law itself. Under such authority he could write any regulations he chose to write if they had any reasonable relation to the purposes of the act, and such regulations would be authorized by Congress. In other words, under the pending bill we are in effect completely delegating our legislative authority. It seems to me that one of the great faults of Congress, one of the things for which it has been criticized over and over again during recent years, is its failure to write its own laws and the tendency of Congress to delegate to someone else the power to make the laws. If we do that, the time will soon arrive when we shall have practically abandoned our legislative powers and turned over to the President and to his appointees the power to write the laws of the Nation.

At times, bills which the Senate has passed since I have been a Member of it have authorized the issuance of regulations; but, as a rule, they have been regulations to carry out the provisions of an act. They have been tied down to that express condition, not to broad purposes. Now and then during the war, because of the demands of a tremendous emergency, we have authorized the issuance of regulations to carry out the purposes of an act. I think perhaps our worst offense was committed in the Stabilization Act, wherein we authorized the President to write almost any order to stabilize prices and to do things incident to the stabilization of prices.

Further on in the pending bill we find that the only possible limitation on the power to write a law is contained in paragraphs 1, 2, and 3 of section 5. It seems to me that, as they have been amended by the conference committee, they are so wide open that they practically constitute no limitation at all on the power of the Director of War Mobilization to write a national service law. In the first place, he is authorized by them—

To prescribe employment ceilings in designated areas, activities, or places of employment.

Under that authority he can deal with every individual plant on an individual basis; he can deal with areas; he can put people out of business; he can overrule the selective service board itself, even on the farm, and can take away from the farmer the men on whom he relies to carry on activities which the selective service board has found to be essential to the operations of the farm.

Paragraph (2) authorizes the Director of War Mobilization, by regulation—

(2) to prohibit or regulate the hiring, re-hiring, solicitation, or recruitment of new workers by employers and the acceptance of employment by workers.

Those terms are so broad that I believe he can write regulations which will practically determine where any individual may work, because he may prohibit him from accepting any job except one particular job, if he wishes to do so. The

words "acceptance of employment by workers" are used.

The committee of conference then added a third provision authorizing the freezing of individual workers in existing plants. That provision says in effect that A must work for B, regardless of whether he wishes to do so. It is not so bad as saying to A, "You must go to work for B, where you never have been." In principle, it is very difficult for me to distinguish between the authority granted by this provision and the right of the Director of War Mobilization to say to such a worker, "You must work for this man even though you have a dispute with him, even though you have not been able to get along with him, even though you have a just complaint. You still must work for that man, because I am authorized to tell you to do so."

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

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

Mr. TAFT. I yield.

Mr. PEPPER. I was wondering how essentially different from the present regulations the regulations which would be issued under that provision would be. I am not sure that I am fully informed about the present regulations; but as I understand them, a worker engaged in essential employment must have a certificate of discharge or he must secure a release from his employment, and I understand that such a certificate is required of any new employer to whom that person may apply for work. Is my understanding correct?

Mr. TAFT. Like the Senator from Florida, I am not thoroughly familiar with the existing regulations. My impression is that most of them are wholly illegal and are based on no power whatsoever. To a certain extent they are based on the Selective Service Act. That is, a man who is between the ages of 18 to 45 years, and has been released from his obligation to the Army on the ground that he is engaged in essential industry, must comply with certain things as a condition precedent to not being called into the Army. But, outside such power, I doubt very much whether there are any existing powers which authorize the United States to tell a man he must work or continue to work for a particular industry.

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

Mr. TAFT. I yield.

Mr. AIKEN. I should like to suggest that the conferees who wrote the bill were perhaps familiar with earlier legislation along this line. If the bill did not grant any additional powers, there probably would not have been any bill.

Mr. TAFT. Probably there had been some failure, in exercising the power existing, to enforce certain ceilings, or the power under discussion would not have been granted in this bill.

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

Mr. TAFT. I yield.

Mr. CORDON. The colloquy which has taken place between the distinguished

Senator from Florida and the distinguished Senator from Ohio, both of whom are able and eminent lawyers, and both of whom frankly admit that at this moment they do not know what the regulations are with reference to the hiring and discharging of men, brings this thought to my mind: If they do not know what it is, how in the name of conscience and common sense are we to expect the employers and the employees throughout the Nation to know what the regulations may be which will be prepared and promulgated under the act, for the violation of which the violators will be held criminally liable?

Mr. TAFT. I thank the Senator.

Mr. President, I see no reason why the Director could not, under the proposed act, write in his regulations a national service law. The power to write regulations dealing with new workers and old workers, and dealing with their employers, seems to me certainly to justify the Director in establishing a complete registration system, and requiring that every man, woman, and child in the United States shall first register, state what their qualifications are for work, and then classify them into various trades and callings.

I do not see why the Director should not issue regulations ordering workers to quit certain jobs and go to work in certain other industries. There is nothing I can see which would prevent him from saying, in effect, "We have found that you belong in this industry, and you cannot work in any other industry." The only way in which the power would differ from that given under a complete national service act would be that the Director could not go to A and say, "You must work for B." But it seems to me that by writing a service law, and a registration requirement, and by issuing the proper type of regulations, the Director in effect could say to A, "Either you work for B or you starve." That is the only difference I can see in the power which would be given.

Mr. President, at times I have been willing to subscribe to the principle of extensive delegation of legislative authority. When we are faced with tremendous emergencies, when we must exercise vast control over prices, as we have done in the price-control legislation, and it is almost impossible otherwise to control prices, I have been willing at such times to subscribe to regulatory legislation. But it seems to me that no necessity has been shown, in this phase of the war, for a departure from all the principles of legislation and American Government.

I have previously said that it seemed to me that no case had been made out showing that production can be increased by the measures which have been suggested. All the employer associations and all the labor unions, as well as those who have actually had anything to do with production, have testified that in their opinion legislation of the kind proposed would interfere with rather than aid in production. The employers say, "For heaven's sake, we have enough difficulty now in handling our labor without legislation of this kind being imposed upon us." They say, "A great many per-

sons who do not want to work for us will, if compelled to work for us, soldier on the job. Men who are not willing to work voluntarily will not do so under a compulsion system." Certainly, all the labor unions are convinced that the slight increase of available labor which may result from the enactment of this measure, will be offset by inefficiency.

In the second place, I do not see any evidence of an emergency facing us today. We do not want to count on anything before it happens, but certainly the war in Germany will end within a few months. The testimony which we have heard up to date is that when the war ends the reduction in necessary manpower will be not less than 15 percent. I think it will more likely be 30 percent or 40 percent. The present strain will be greatly relieved. I can see no reason for saying that we are today confronted with an emergency in obtaining sufficient manpower, nor has any substantial lack of production in any industry been shown.

In the third place, a demand has been made that a manpower ceiling be imposed in order to prevent men from working in nonessential industries. In effect, we already have such a ceiling. We have it through the War Production Board. The War Production Board has been saying to various industries, "We will not give you all the material necessary for your work, partly because material is short, and also because manpower is short." I remember when 2 years ago I went before the War Production Board in an effort to persuade them to let us finish our flood-control walls in Cincinnati and Portsmouth in order to protect war production. In both cases there was no difficulty in securing material; but we were told by the officials that too much manpower would be used. Therefore we were refused a permit to go ahead with the construction of those walls. This year the water came into Cincinnati and reduced war production substantially. It was kept out of Portsmouth only by the construction of a 3-foot sandbank over a small portion of the area affected, which project had not been authorized theretofore by the War Production Board.

Mr. President, the point I am making is that the War Production Board had the power of imposing manpower ceilings. They have closed many industries. Toy factories, aluminum implement factories, and other factories of a similar nature were closed soon after the war began, and many other nonessential industries were closed. So it cannot be said that excluding men from nonessential industries creates a crisis, because power has already been given to the War Production Board to do those things, and in many instances they have exercised the power.

It has been said that a strike is now being threatened and that this kind of legislation would prevent strikes. Yet the chairman of the committee and the senior Senator from Vermont say, "No; this is in no sense a measure to prevent strikes; it cannot possibly accomplish that purpose." So no necessity is shown for the enactment of this legislation for that purpose. I do not know what inter-

pretation would be made of certain sections of this bill, but after the very strong statement which was made by the chairman of the committee I believe that probably the act would not be construed to authorize regulations to prevent strikes, whether they should be prevented or not. In any event, it is certain that we cannot use the present threat of a strike in the coal fields as an argument for enactment of the bill, because the bill itself provides that it has nothing whatever to do with preventing strikes. So far as I can see, it has nothing to do with preventing slow-downs or making people work who do not wish to work. If men who do not desire to work are put into a plant, it is more likely the work will slow down even more than it has done.

I do not think there is involved any question of justice to the soldiers. I have not discovered that the soldiers are interested in having their morale raised. What they are interested in is greater production, and if, after a thorough study of the situation, we find that such a law as is proposed would interfere with production rather than increase it, certainly no soldier would disagree with our conclusions in rejecting it.

My own view is that when the soldiers return after the war they will not want to find a regimented employment and numerous restrictions providing that they cannot work here or there. Many of them are to return, and we are asked to extend the law until a year from the 1st of next July.

I cannot help believing that many of those in the administration who desire such a law are much more interested in economic planning, in channeling of employment, in controlling manpower in the post-war period, than they are in the current war. Of course, the military authorities are not, but many of those who are behind the proposed law, many of those who are interested in it, many of those who are to administer it in the department which is to be in charge of it, believe that in the post-war emergency as in the war emergency, they must have power to tell men where they can work and where they cannot work, and have a continuation of the general regimentation of individuals, carrying it over from the war as part of the planned economy after the end of the war.

Mr. President, we have done many things to forward the war effort which have violated all the concepts of government with which our entire people agree and many of the principles of government in which we believe. I feel very strongly that we must immediately get back to another state of mind, a state of mind which will cause us to demand that Congress shall do the legislating and write the rules so that people may know them.

The selective-service law itself does not violate the rules as does the proposal before us, because the selective service law is based to a large extent on local control, special tribunals being set up and principles being laid down. In this case the whole thing is left to the discretion of a single individual to make the law, to enforce the law, and to a large



extent to punish those who may violate the law.

Mr. President, I do not see that there is any necessity proven for such a law. I think it violates every principle which we should follow in legislating. I think it violates the interests of the soldiers rather than assisting them, and I cannot imagine that our rejecting such a proposal would in the slightest degree interfere with the progress of the war, or interfere with the victorious conclusion to which the war is coming.

Mr. McKELLAR. Mr. President, I shall take only 2 or 3 minutes to state the reasons for the vote I shall cast.

I am very sorry, indeed, I cannot vote for the conference report on the war manpower bill. The President and the heads of the Army and the Navy have requested such legislation. They think, of course, the country needs it. I have tried to vote for all war measures which the Army and the Navy and the President have wanted during the war. I do not believe that in the history of mankind a great war has ever been so splendidly and successfully waged as the present war has been waged by the United States. The President has made a marvelously successful civil and military leader. He has accomplished this on democratic principles and in pursuance of democratic policy.

I regret that at this late date in the war, when its end does not seem to be very far off, the President feels we should change our plans, which up to date have been so successful and which have been the plans of the President. Our Army and Navy, our Air Corps and Marine Corps, and all our forces, male and female, from general down to the last private, have done a wonderful job. There is no shadow of complaint that can justly be made against any of them.

Likewise, Mr. President, our manufacturers, our laborers, and our farmers have also done a wonderfully productive job. We have raised more food, we have produced more war material, certainly more effective war material, than all the rest of the world together, perhaps. It is true that there has been a strike here and there; it is true that there have been labor troubles occasionally; it is true that we might have done better in some particulars; but, taking it all in all, no workers, no manufacturers, and no farmers in all the history of the world have ever accomplished so much as have our workers and manufacturers and farmers during this war.

The results in the production of war materials and food in America have far exceeded not only the results obtained by other nations but have far surpassed anything we have ever before accomplished in our history.

The war is nearly over. Why in the name of heaven we should change our plans and our policies at this hour is inexplicable to me.

Mr. President, there is another reason why the conference report should not be accepted. Try to disguise it as some may, to say the least the bill runs counter to the constitutional provision against involuntary servitude. If a man is frozen in his job and he cannot leave it, to that extent involuntary servitude is

imposed upon him. I am not willing to consent to that. I am an old-fashioned believer in the Constitution of the United States, and I intend to stand by what it provides, and not by what someone may say it means. I think I know language as well as many of those who have a different idea of the words "involuntary servitude." To my mind the language of the Constitution is all-inclusive.

Mr. President, I digress for a moment to read a creed which was prepared by Mr. William Tyler Page, the Clerk of the House of Representatives several years ago. It is one of the grandest statements that could be made to America now, when so little attention is paid to the greatest Constitution ever created by mortal man. I read the creed, which Mr. Page appropriately called "The American's Creed":

I believe in the United States of America as a government of the people, by the people, for the people, whose just powers are derived from the consent of the governed; a democracy in a republic; a sovereign Nation of many sovereign states; a perfect union, one and inseparable, established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes.

I therefore believe it is my duty to my country to love it; to support its Constitution; to obey its laws; to respect its flag, and to defend it against all enemies.

That, Mr. President, is a doctrine in which I devoutly and religiously believe, and when it is proposed to enact a law which would require one person to work for another against his will, I am opposed to it.

Mr. President, our laboring men and women have produced magnificently in this war. Our manufacturers have done a great job. I will not take any step to change our well-known American policy, and especially I would not take steps to do so when, as everyone knows, the war is nearly over. I say this merely to show what actuates me in voting against the conference report. I do not take this position because of the fact that James F. Byrnes is to be the administrator. In my opinion he would be the very best administrator who could possibly be secured. I regard him as one of the ablest administrators in this Nation. I look upon him as one of our truly great men. I would rather leave the enforcement of the indefinite provisions of the bill to Mr. Byrnes than perhaps to any other man in the country today. I know Mr. Byrnes intimately. I served with him in the House and in the Senate for 30 years. There is no man to whom I would rather entrust the power to make regulations governing our people than James F. Byrnes. But, Mr. President, I shall not vote for any measure to freeze any person to any job, to work for another private person or corporation against his or her will.

Mr. President, I still believe in the Constitution of the United States as furnishing a rule of American conduct both in war and in peace. I know it is now very popular to say, "Well, what is proposed to be done is unconstitutional but we are in a war, and we are justified in violating the Constitution in a war." I do not at all believe in such a doctrine. I

believe the Constitution was made to govern us both in war and in peace.

Mr. President, the measure before the Senate is unnecessary at this time. It is undemocratic. It is un-American. It is unconstitutional. I believe it is a reflection on labor and on management. As I have already stated, labor and management have performed wonderfully well in this war. The proposed measure is un-American and represents an unjustifiable attack on both management and labor, particularly in view of what they have done during the war. I think both management and labor have accomplished more during this war than has ever been accomplished by management and labor, or by both, and I include the farmer, at any time in the history of the world. I think we should take no steps, this late in the war, virtually to repudiate the great effort management and labor and the farmers have made to win the war.

Mr. AUSTIN. Mr. President, merely to keep the record straight on the subject which seems to be the entire point in the remarks of the distinguished Senator from Tennessee, I shall read a very short passage from a decision directly in point, by the greatest judicial tribunal in the world, the opinion being by one of the greatest Justices the Court has ever had, Chief Justice White. In the opinion of the Court in the selective draft-law cases with respect to the act of May 18, 1917, reported in Two Hundred and Forty-fifth United States Reports 366, at page 390, the following statement is made:

Finally, as we are unable to conceive upon what theory the exaction by Government from the citizen of the performance of his supreme and noble duty of contributing to the defense of the rights and honor of the Nation, as the result of a war declared by the great representative body of the people, can be said to be the imposition of involuntary servitude in violation of the prohibitions of the thirteenth amendment, we are constrained to the conclusion that the contention to that effect is refuted by its mere statement.

Mr. McKELLAR. Mr. President, I happened to know Mr. Justice White most intimately. I enjoyed his friendship. I thank the Senator for the splendid tribute he has just paid to that distinguished jurist. I think Mr. Justice White was one of the grandest men and one of the ablest judges I have ever known. What the Senator has quoted, however, only in the remotest degree affects the question before us, because the opinion dealt with a law, as I remember, which provided for selective service for work for the Government. Of course, we all realize and understand that for its own protection the Government can enforce service for the Government. But that is entirely and wholly different from requiring a person to work for another person and not for the Government.

Knowing Mr. Justice White as I did, I am sure that if the question now before the Senate were presented to him for decision, he would hold that the proposed law came within the involuntary-servitude amendment, the thirteenth amendment of the Constitution of the United States.

Mr. AUSTIN. Mr. President, I promise not to detain the Senate long. I simply wish to point this matter up. If what the distinguished Senator from Tennessee says were true in any regard with respect to the history of the case or with respect to the nature of the pending bill, still I would say that the Government must have the authority to summon the personal service of every citizen in any capacity that is necessary for the common defense. But it happens that that decision was upon the point of selective service in the Army. It is true that the distinguished Chief Justice in laying down this broad principle did not distinguish between service in the Army and service in a civilian capacity, and therefore what he said applied to both. Both duties are of the high nature called for by citizenship. They are fundamental to citizenship.

The point I wish to make is that if we were to give the decision the most narrow construction and apply it only to the matter of being drafted for service in the armed forces, it would apply with equal force to the case of a lesser contribution to the war effort, namely, not to take the risk of life but only the risk of a little sacrifice at home in comfortable circumstances.

Another point is that in every particular the pending conference report relates to a war effort. It matters not that it is a war effort which is carried out through our free economy and according to our capitalistic system; the exercise of this power is limited solely to production in the war effort.

I might further elaborate by showing in what way the Government really pays the employee, although his compensation comes through the pay roll of the private contractor. All I need say at this point is that in both cases the service is service to the country, complying with the duty which is imposed upon the citizen to respond to the highest call of his country and contribute his personal services in that effort.

Mr. McKELLAR. Mr. President, it is remarkable how times and opinions change. Of course, I was not old enough to know personally what happened in the Civil War; but as I recall the history of that war, it involved involuntary servitude which existed in the section of our country in which I lived. The people in the section from which the Senator comes were then on the opposite side from that on which the Senator from Vermont now is, and they maintained with great force—not only force on the floors of both Houses, but force of arms—that involuntary servitude of one person in the service of another was highly wrong. They changed the Constitution so as to forever prohibit involuntary servitude. The whole country came to the agreement that that was right. Why should we now change, and say that the form of involuntary servitude which freezes one man in the service of another is right? I am frank to say that I do not believe it is right. I do not believe it is constitutional; and I do not believe the Senate will so hold. I hope and pray that it may not.

Mr. AUSTIN. Mr. President, the Senator is very unfortunate in referring to

the War between the States to sustain the claim which he makes. The institution of slavery is not the same thing as the impressment of citizens for service in a civilian capacity to carry on a war which has been declared by the Congress; and his illustration points up that argument, according to history. During the Civil War Congress passed an act authorizing the President to take possession of telegraph and railroad lines and "to place under military control all the officers, agents, and employees belonging to the telegraph and railroad lines thus taken \* \* \* so that they shall be considered as a post road, and a part of the Military Establishment of the United States, subject to all the restrictions imposed by the rules and articles of war." That is a quotation in part from a statute enacted by Congress, exercising the authority and obeying the command to defend the country in this manner.

Mr. BARKLEY. Mr. President, I have no purpose at this time to inflict upon the Senate a constitutional argument, because I realize that I am a Member of a body each Member of which believes he is a better constitutional lawyer than I am. Probably they are all correct. But inasmuch as the Senator from Tennessee admitted a while ago that the Government of the United States could draft men for work in plants owned and operated by it, I am prompted to offer the suggestion that if there is any question of involuntary servitude involved in this bill—and I do not believe it is involved—the line of demarcation would be whether an aircraft factory, for example, located on one side of the street in any city, and operated by the Government of the United States, could have the benefit of such a law as this, which would empower the Government to draft men to work in its own aircraft plant, producing the same kind of war materials as were being produced by another factory of the same kind on the other side of the street, but which happened to be owned and operated by private capital. In one case, according to the Senator from Tennessee, the Government could draft men to work in its own plant, but it could not draft men to work in the other plant, because they would be working for a private individual or corporation, notwithstanding the fact that wages, profits, and prices are regulated by the Government, and to all intents and purposes the plant is operated under the direction of the Government.

I do not believe that the line of distinction between what is constitutional and what is not can strictly be said to depend upon whether a man is working as a soldier under a general in the field, or as a seaman under an admiral or commander in the Navy at sea, or whether he is working somewhere else to furnish the man in uniform with the things which are essential to enable him to fight. It is all a part of the war effort.

It seems to me that the question of involuntary servitude has been overstressed, because if the Senator from Tennessee is correct, the Government could take over all the plants. Congress could authorize the Government to own them all if it were willing to appropriate

the money to buy all the private plants and take them all over and operate them, not merely because there is about to be a stoppage of work, but as a war measure. Congress could authorize the Government to own all the plants which are producing any form of munitions. As a matter of fact, the Government has already invested approximately \$20,000,000,000 in plants which are producing war materials.

If the Senator from Tennessee is correct in his interpretation of the thirteenth amendment, all Congress would need to do would be to authorize the Government to own, buy, build, or operate all these war plants; and then, under the Constitution, we could draft men to work in them, although they were not wearing the uniform of the country. I do not believe there is any such fine-spun distinction between the involuntary servitude of a man who is working to produce a gun and that of the man who is to fire it, simply because one of them has on a uniform and the other has on civilian garb.

Mr. McKELLAR. Mr. President, I do not agree with all the statements which the Senator has put in my mouth. I have serious doubt whether he is correct about what the Government itself can do. That is another matter. I wish to call the attention of the Senator from Kentucky, the Senator from Vermont, and other Senators to this peculiar situation:

This bill would be effective until July 1, 1946. The war may be over within 2 or 3 months or 3 days. We do not know. Then we would have an act of Congress, in time of profound peace—for after this war is over the peace will be very profound—under which the Government could keep workers in the factories where they have been stationed against their will. For that reason alone we ought not to enact the pending legislation, which would continue in effect until July 1, 1946. I disagree with both Senators, much as I respect them.

Mr. BARKLEY. Mr. President, I had a suspicion that the Senator disagreed with me. I wished to say that I realize the Senator and I disagree about that.

Mr. McKELLAR. We disagree wholly.

Mr. BARKLEY. But the Senator overlooks the fact that in the conference report, as in all such emergency legislation, although a definite date has been fixed for the termination of the act, a provision is included that it may be terminated earlier by proclamation of the President or by concurrent resolution of the Congress if the war should end before the time fixed in the measure for its termination. All such laws carry similar provisions.

Mr. McKELLAR. Oh, yes. If they did not carry such a provision, the Congress could at any time repeal them anyway.

Mr. BARKLEY. Of course.

Mr. McKELLAR. I believe that is provided in the Constitution, which is now so little thought of.

Mr. BARKLEY. There is nothing in the Constitution about that.

Mr. McKELLAR. Oh, yes; there is.

Mr. BARKLEY. But it is a right inherent in government.



Mr. McKELLAR. Yes; there is a provision in the Constitution about that. Perhaps the Senator has not looked at the Constitution since the war began. [Laughter.]

Mr. BARKLEY. Oh, yes; I carry it home with me every day. [Laughter.]

Mr. McKELLAR. I am glad the Senator does.

Mr. BARKLEY. I do not think the writers of the Constitution ever thought it was necessary to write into the Constitution a provision for the self-evident right of Congress to repeal a law which it had enacted. Of course it has that right.

Mr. McKELLAR. I commend the Senator for having examined the Constitution lately. [Laughter.] I hope he will do so more often.

Mr. BARKLEY. Well, Mr. President—

Mr. McKELLAR. Mr. President, both of us cannot talk at the same time, let me say, if the Senator will yield to me.

Mr. BARKLEY. But we have done a fairly good job of it. [Laughter.]

Mr. McKELLAR. I hope I have convinced the Senator and other Senators that under the Constitution, of course, we can repeal laws, whether we provide in them that we reserve or maintain the right to repeal them. But under the conference report, if it is enacted into law, we undertake—whatever we may call it, however we may undertake to disguise it, however we may beat around the bush concerning it—we undertake to freeze labor to certain men or firms, against their will, it may be. Whenever we do that we violate the thirteenth amendment to the Constitution.

I wish to commend the Senator from Kentucky for the good example he has shown to us this afternoon, when he has stated that he has recently taken the Constitution home with him and has studied it. I commend that course to all other Senators. It is a wise thing to do.

We take an oath, as I remember it—and I have taken it eight times—to uphold and defend the Constitution of the United States. I did not take an oath to uphold and defend it merely in peacetimes; I took an oath to uphold and defend it at all times. I say that when we enact a law containing language which will bring about a certain result which is opposed to the provisions of the Constitution, we violate the Constitution. I believe, and I never believed anything more sincerely in my life, that if we were to pass this bill—let me say now that I do not believe it will be passed—and if its constitutionality thereafter were contested in the courts, it would be held to be unconstitutional, in violation of the thirteenth amendment to the Constitution. Our courts do not like slavery any more than we do. None of us like it. None of us would bring it about, ordinarily. Why do it after we have won the war without it? At this time we have virtually won the war. Why should we undertake to change our American processes, our American ways of life, our American Constitution, our American law? In the

name of Heaven, why should we undertake to do it at this late day?

I hope the Senate will reject the conference report.

Mr. BARKLEY. Mr. President, in order to settle this constitutional question and put a quietus on it forever, I move that the Senate proceed to the consideration of executive business. [Laughter.]

Mr. McKELLAR. I second the motion. [Laughter.]

Mr. WHITE. Mr. President, I was impressed with the modesty with which the Senator from Kentucky referred to his attainments as a lawyer. It prompts me to recur to Aaron Burr's definition of the law. Aaron Burr once said that the law is whatever is boldly asserted and persuasively maintained. [Laughter.] I observe that both the Senator from Tennessee and the Senator from Kentucky are always bold, and are usually persuasive; and it leaves me in greater confusion than I was in before. [Laughter.]

Mr. BARKLEY. Mr. President, I am bound to return the compliment the Senator from Maine paid me when he referred to my modesty; but I think his modesty is overplayed when he intimates that he ever leaves the Senate in confusion whenever he has spoken on any subject. The Senator is very clear-minded and, as a rule, he is right, except when he is wrong. [Laughter.]

#### EXECUTIVE SESSION

Mr. President, I now renew my motion that the Senate proceed to the consideration of executive business.

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

#### EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. GEORGE, from the Committee on Finance:

John J. Quinlivan, of Toledo, Ohio, to be collector of internal revenue for the tenth district of Ohio, to fill an existing vacancy;

Francis R. Smith, of Philadelphia, Pa., to be collector of internal revenue for the first district of Pennsylvania, in place of Walter J. Rothensies, resigned;

Clara E. Sarvela, of Duluth, Minn., to be collector of customs for customs collection district No. 36, with headquarters at Duluth, Minn., to fill an existing vacancy; and

Sundry nominations for promotion in the Regular Corps of the United States Public Health Service.

#### EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT 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.)

The VICE PRESIDENT. If there be no further reports of committees, the clerk will state the nominations on the calendar.

#### POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters be confirmed en bloc, and that

the President be immediately notified of the confirmation of the nominations.

The VICE PRESIDENT. Without objection, the nominations of postmasters are confirmed en bloc; and, without objection, the President will be immediately notified.

#### RECESS

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

The motion was agreed to; and (at 5 o'clock and 29 minutes p. m.) the Senate took a recess until tomorrow, Friday, March 30, 1945, at 12 o'clock meridian.

#### NOMINATIONS

Executive nominations received by the Senate March 29 (legislative day of March 16), 1945:

##### UNITED STATES CUSTOMS COURT

Hon. JED JOHNSON of Oklahoma, to be a Judge of the United States Customs Court, vice Hon. Thomas J. Walker, deceased.

##### UNITED STATES ATTORNEY

Miles F. McDonald, of New York, to be United States attorney for the eastern district of New York, vice Harold Maurice Kennedy, resigned.

##### IN THE MARINE CORPS

###### TO BE GENERAL

Lt. Gen. Alexander A. Vandegrift, Commandant of the Marine Corps, to be a general in the United States Marine Corps.

##### IN THE COAST GUARD

###### TO BE ADMIRAL

Vice Admiral Russell R. Waesche, Commandant of the Coast Guard, to be an admiral in the United States Coast Guard.

##### IN THE NAVY

Vice Admiral Richard S. Edwards, United States Navy, to be an admiral in the Navy for temporary service, to continue while serving as deputy commander in chief, United States Fleet, and Deputy Chief of Naval Operations.

Vice Admiral Henry K. Hewitt, United States Navy, to be an admiral in the Navy, for temporary service.

Vice Admiral Thomas C. Kinkaid, United States Navy, to be an admiral in the Navy, for temporary service.

Rear Admiral Walter S. Anderson, United States Navy, to be a vice admiral in the Navy, for temporary service, to continue while serving as commander, Gulf Sea Frontier.

Rear Admiral William S. Farber, United States Navy, to be a vice admiral in the Navy, for temporary service, to continue while serving as Sub-Chief of Naval Operations.

Rear Admiral Arthur S. Carpenter, United States Navy, to be a vice admiral in the Navy, for temporary service, to continue while serving as commander, Midwest Naval Area.

Rear Admiral James L. Kauffman, United States Navy, to be a vice admiral in the Navy, for temporary service, to continue while serving as commander, Philippine Sea Frontier.

Rear Admiral Edward L. Cochrane, United States Navy, to be a vice admiral in the Navy, for temporary service, to continue while serving as Chief of the Bureau of Ships.

Commodore Edward J. Foy, United States Navy, to be a rear admiral in the Navy, for temporary service, to continue while serving as deputy commandant of Joint Army-Navy Staff College.

Commodore Howard A. Flanigan, United States Navy, retired, to be a rear admiral in the Navy, on the retired list, for temporary service, to continue while serving as head of naval transportation service, office of the Chief of Naval Operations.

Commodore Vance D. Chapline, United States Navy, to be a rear admiral in the Navy, for temporary service, to continue while serving as head of fleet maintenance division, office of the Chief of Naval Operations.

Commodore Irving H. Mayfield, United States Navy, to be a rear admiral in the Navy, for temporary service, to continue while serving as chief of the United States naval mission to Chile.

Capt. Harold M. Martin, United States Navy, to be a rear admiral in the Navy, for temporary service, to rank from the 11th day of September 1943.

Capt. Ernest W. Litch, United States Navy, to be a rear admiral in the Navy, for temporary service, to rank from the 9th day of October 1943.

Capt. Thomas S. Combs, United States Navy, to be a rear admiral in the Navy, for temporary service, to rank from the 22d day of October 1943.

Commodore William M. Quigley, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as commander, United States Naval Base, Port Hueneme, Calif., and until reporting for other permanent duty, to rank from the 4th day of October 1943.

Commodore John H. Magruder, Jr., United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as deputy commander, forward area, central Pacific, and until reporting for other permanent duty, to rank from the 13th day of April 1944.

Commodore Clinton E. Braine, Jr., United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as commander, naval training station, Newport, R. I., and until reporting for other permanent duty, to rank from the 13th day of April 1944.

Commodore Vernon F. Grant, United States Navy, retired, to be a commodore in the Navy, on the retired list, for temporary service, to continue while serving as commander naval air bases, Saipan, to rank from the 25th day of October 1944.

Commodore Stanley J. Michael, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as commander naval air bases, Twelfth Naval District, and until reporting for other permanent duty, to rank from the 23d day of December 1944.

Commodore Henry A. Schade, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as head of the United States Naval Technical Mission in Europe, and until reporting for other permanent duty, to rank from the 23d day of December 1944.

Capt. Robert G. Coman, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving on the staff of commander, Western Sea Frontier, and until reporting for other permanent duty, to rank from the 12th day of April 1943.

Capt. Stewart A. Manahan, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as marine superintendent of the Panama Canal, and until reporting for other permanent duty.

Capt. Elliott B. Nixon, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as chief of staff to commander, Fourth Fleet, and until reporting for other permanent duty.

Capt. John R. Palmer, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as commander of a transport squadron, and until reporting for other permanent duty.

Capt. Horace D. Clarke, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as commander, naval training station, Norfolk,

Va., and until reporting for other permanent duty.

Capt. Tully Shelley, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as intelligence officer, Twelfth Fleet, and until reporting for other permanent duty.

Capt. Randall E. Dees, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as personnel officer, Pacific Fleet, and until reporting for other permanent duty.

Capt. John V. Murphy, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as Deputy Director of Naval Communications, and until reporting for other permanent duty.

Capt. Thomas B. Inglis, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as Deputy Director of Naval Intelligence, Office of the Chief of Naval Operations, and until reporting for other permanent duty.

Capt. Earl E. Stone, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving on the staff (communications) of the Commander in Chief, United States Pacific Fleet, and until reporting for other permanent duty.

Capt. Jacob H. Jacobson, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as commander, United States Naval Operating Base, Leyte, and until reporting for other permanent duty.

Capt. Wallace M. Dillon, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as commander of a naval air base, and until reporting for other permanent duty.

Capt. Houston L. Maples, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as a member of the United States Military Mission, Moscow, and until reporting for other permanent duty.

Capt. Augustus J. Wellings, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as Director of Inspection Administration, Office of Procurement and Material, and until reporting for other permanent duty.

Capt. Robert E. Robinson, Jr., United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as chief of staff to commander, North Pacific Force, and until reporting for other permanent duty.

Capt. John F. Rees, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving on the staff (shipping) of the commander in chief, United States Pacific Fleet, and until reporting for other permanent duty.

Capt. Raymond B. Tarbuck, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as chief of staff and aide to commander, Seventh Amphibious Force, and until reporting for other permanent duty.

Capt. Richard P. Glass, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as chief of staff to commander, South Pacific Force, and until reporting for other permanent duty.

Capt. Frank R. Talbot, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as deputy chief of staff, Tenth Army, and until reporting for other permanent duty.

Capt. John P. Whitney, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as deputy commander, Naval Air Transport Service, and until reporting for other permanent duty.

Medical Director John Harper to be a medical director in the Navy, with the rank of rear admiral, for temporary service, to rank from the 16th day of September 1942.

Medical Director William W. Hargrave to be a medical director in the Navy, with the rank of commodore, for temporary service, to continue while serving as Chief of Personnel Division, Bureau of Medicine and Surgery, and until reporting for other permanent duty.

Medical Director Joel T. Boone to be a medical director in the Navy, with the rank of commodore, for temporary service, to continue while serving as fleet medical officer, Third Fleet, and until reporting for other permanent duty.

Medical Director John P. Owen to be a medical director in the Navy, with the rank of commodore, for temporary service, to continue while serving as fleet medical officer, Seventh Fleet, and until reporting for other permanent duty.

Medical Director Thomas C. Anderson to be a medical director in the Navy, with the rank of commodore, for temporary service, to continue while serving on the staff (medical) of the commander in chief, United States Pacific Fleet, and until reporting for other permanent duty.

Medical Director Morton D. Willcutts to be a medical director in the Navy, with the rank of commodore, for temporary service, to continue while serving as fleet medical officer, Fifth Fleet, and until reporting for other permanent duty.

Medical Director John C. Adams to be a medical director in the Navy, with the rank of commodore, for temporary service, to continue while serving as Chief of Aviation Medicine Division, Bureau of Medicine and Surgery, and until reporting for other permanent duty.

Medical Director Carlton L. Andrus to be a medical director in the Navy, with the rank of commodore, for temporary service, to continue while serving as Chief of Planning Division, Bureau of Medicine and Surgery, and until reporting for other permanent duty.

Pay Director Edwin D. Foster to be a pay director in the Navy, with the rank of rear admiral, for temporary service, to rank from the 18th day of June 1943.

Pay Director Morton L. Ring to be a pay director in the Navy, with the rank of rear admiral, for temporary service, to rank from the 19th day of April 1943.

Pay Director Murrey L. Royer to be a pay director in the Navy, with the rank of rear admiral, for temporary service, to rank from the 18th day of June 1943.

Pay Director William R. Bowne to be a pay director in the Navy, on the retired list, with the rank of commodore, for temporary service, to continue while serving as district supply officer, Third Naval District.

Pay Director David W. Mitchell to be a pay director in the Navy, with the rank of commodore, for temporary service, to continue while serving as fleet supply officer, service force, United States Atlantic Fleet, and until reporting for other permanent duty.

Pay Director William R. Ryan to be a pay director in the Navy, with the rank of commodore, for temporary service, to continue while serving as supply officer, staff of commander, United States naval forces, Europe, and until reporting for other permanent duty.

Pay Director Archie A. Antrim to be a pay director in the Navy, with the rank of commodore, for temporary service, to continue while serving as planning and logistics officer, Bureau of Supplies and Accounts, and until reporting for other permanent duty.

Pay Director Charles W. Fox to be a pay director in the Navy, with the rank of commodore, for temporary service, to continue while serving as supply officer in command, naval supply depot, Mechanicsburg, Pa., and until reporting for other permanent duty.

Pay Director Joseph L. Herlihy to be a pay director in the Navy, with the rank of commodore, for temporary service, to continue while serving as fleet supply officer, service force, United States Pacific Fleet, and until reporting for other permanent duty.



Civil Engineer William H. Smith to be a civil engineer in the Navy, with the rank of rear admiral, for temporary service, to rank from the 2d day of January 1943.

Civil Engineer Edward L. Marshall to be a civil engineer in the Navy, with the rank of rear admiral, for temporary service, to rank from the 2d day of January 1943.

Civil Engineer William O. Hiltabidle to be a civil engineer in the Navy, with the rank of commodore, for temporary service, to continue while serving as officer in charge of a naval construction brigade, and until reporting for other permanent duty.

Civil Engineer Paul J. Halloran to be a civil engineer in the Navy, with the rank of commodore, for temporary service, to continue while serving as officer in charge of a naval construction brigade, and until reporting for other permanent duty.

Civil Engineer Beauford W. Fink, Jr., to be a civil engineer in the Navy, with the rank of commodore, for temporary service, to continue while serving on the staff (construction) of the commander in chief, United States Pacific Fleet, and until reporting for other permanent duty.

Civil Engineer Wallace B. Short to be a civil engineer in the Navy, with the rank of commodore, for temporary service, to continue while serving as officer in charge of a naval construction brigade, and until reporting for other permanent duty.

Civil Engineer Robert C. Johnson to be a civil engineer in the United States Naval Reserve, with the rank of commodore, for temporary service, to continue while serving as officer in charge of a naval construction brigade.

Civil Engineer Claire C. Seabury to be a civil engineer in the Navy, with the rank of commodore, for temporary service, to continue while serving as officer in charge of a naval construction brigade, and until reporting for other permanent duty.

Civil Engineer Robert H. Meade to be a civil engineer in the Navy, with the rank of commodore, for temporary service, to continue while serving as officer in charge of a naval construction brigade, and until reporting for other permanent duty.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate March 29 (legislative day of March 16), 1945:

##### POSTMASTERS

##### NEW YORK

Richard T. Stanton, Millbrook.  
Aleine Miller, Ferrysburg.  
Lydia L. Kell, Stuyvesant Falls.

## HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 29, 1945

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Saviour Divine, today as we approach the cross of Calvary, we hear Thy valedictory words: "In the world ye shall have tribulation, but be of good cheer, I have overcome the world"; our spirits rise to the glory of this immortal truth. Just to be alive in Christ these telling days, taking a troubled world to our breasts, walking in brotherly ways on to a blessed forever; this is to know Thee, whose love passeth all earthly affections.

When sorrows oppress, when the days look dark and the nights have lost their starlight and heaven seems far away,

O lift our souls to Thee who in all meekness and lowliness hath given us a pledge of life eternal. Countless trials are near our own; with us it is sunlight at midday; with them it is sunset at noontide. Clothe us all with the ministry of service, even though it lead us up some shadowed Calvary or into some bypaths where some have strayed or fallen. Following Thy blessed example, keep us lowly and worthy to be soldiers of the cross and to drink of Thy bitter cup. In the name of our Mediator and Advocate. Amen.

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

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries.

#### ADJOURNMENT OVER

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 o'clock noon on Monday next.

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

There was no objection.

#### EXTENSION OF REMARKS

Mr. BROWN of Georgia. I ask unanimous consent to have inserted in the RECORD an editorial entitled "An Invaluable Service," published in the March 8, 1945, issue of the Oglethorpe Echo, of Lexington, Ga. This article relates to the Soil Conservation Service, one of the outstanding agencies of the Government, benefiting the farmers and costing the Government very little money.

Mr. SASSCER asked and was given permission to extend his remarks in the RECORD and include a resolution by the General Assembly of Maryland commemorating the one hundredth anniversary of the United States Naval Academy.

Mr. BURGIN asked and was given permission to extend his remarks in the RECORD and include a letter.

#### TAX DEDUCTIONS OF THE PETROLEUM INDUSTRY

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. REED of New York. Mr. Speaker, I am introducing a new bill relating to the right of the taxpayer to take as an expense intangible drilling and development costs. This bill makes it clear that its sole purpose is to overcome the decision of the fifth circuit in the F. H. E. Oil Co. case, decided March 6, 1945, by the circuit court of appeals. It is not intended to give the taxpayer a new election to take such optional expenditures, but merely to validate the option which has been granted under the regulations of the Treasury Department for the past 25 years. My original bill applied only to taxable years beginning after December 31, 1937. Since there

may be some cases open either for assessment or refund for years prior to 1938, I have added a new provision which has the effect of validating deductions taken for such optional expenditures under the regulations in force for such prior years.

#### EXTENSION OF REMARKS

Mr. JOHNSON of Illinois asked and was given permission to extend his own remarks in the RECORD and include therein an analysis of the tax question.

#### MEDALS OF HONOR

Mr. RAMEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include a short editorial.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? There was no objection.

Mr. RAMEY. Mr. Speaker, in these days when we are hearing and reading so much concerning the award of medals for service performed beyond the line of duty and for outstanding personal bravery and heroism, it is interesting to notice the desire to associate these bestowals of honored distinction with the most sacred traditions of our great country.

In this connection I call attention to the following short article written by Grove Patterson, editor of the Toledo Blade, in his column Way of the World, entitled "The George Washington Medal":

#### WAY OF THE WORLD

##### THE GEORGE WASHINGTON MEDAL

Whenever I read of an act of bravery in this war, so great, so outstanding, so heroic that the man who faced the hard task and came out victorious, even in death, is given the Congressional Medal of Honor, I am inspired. But in that thrill and inspiration there is also a feeling of dissatisfaction that mars the glory and puts a bit of a blot upon the triumph. And that comes because the highest award which a man in the service of his country can receive is not named what it should be named.

Why do we call it the Congressional Medal when it should be called the George Washington Medal?

Nobody thinks, and I do not mean, that there is any touch of politics in the award because it is called congressional. But the word "congressional" always has, and always will throughout the history of our country, call to mind the associated idea of politics, of political striving and political favor. No other nation in the world as far as I have ever heard has a name for its supreme award for courage that carries a hint of political significance.

Above all other recognitions in France is the Medaille Militaire. Above all others in England is the Victoria Cross. Why not above all others in America, the George Washington Medal?

#### EXTENSION OF REMARKS

Mr. WILSON asked and was given permission to extend his remarks in the Appendix of the RECORD and include therein an editorial from the Noblesville Daily Ledger and five letters received by him on recent publicity.

#### SECRET BUREAUCRATIC DISCRIMINATION REVEALED

Mr. SCHWABE of Oklahoma. 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 Oklahoma?

There was no objection.

Mr. SCHWABE of Oklahoma. Mr. Speaker, a serious situation is developing in this country. The people are losing confidence in their Government. Time was when love of country, loyalty to the flag, and respect for Government was the pride of every patriotic American citizen. As a result of the breakdown of the system of checks and balances, with the attempts of the Executive to control, directly or indirectly, the legislative and judicial branches of our Government, the people are rapidly losing confidence in and respect for our sacred institutions and principles.

Under the systems that prevailed in the Old World, the king or the ruler spoke the law—his word was law. The people were his subjects. Our forefathers ordained and established a form of government whereby the people would elect their representatives to enact laws for their guidance and protection. This was designed as a truly representative form of government. In the Old World the law came from the king down to the people. According to our system the law was supposed to come from the people up to those elected to execute the law, and our public officials were described and intended to be our public servants and not our dictators.

The Representatives of the people in Congress will merit and hold the continued respect of the electorate only in proportion as we emulate the traditions of our form of government. Our constituents have a right to demand that we champion their rights and prevent arbitrary, autocratic, dictatorial regimentation and regulation, such as we are now witnessing from many quarters.

Mr. Speaker, in one form or another, and emanating from one bureau or another, the activities of the American people are being so regulated and regimented that the people are becoming distressed and perplexed almost beyond words.

I direct my remarks at this time to what seems to be an unreasonable exercise of power by the Office of War Mobilization and the War Committee on Conventions that has been set up. On March 1, 1945, one of my constituents, and one of the oldest and best-respected clothing merchants of my district, wrote me protesting against a directive which apparently was issued by the Office of War Mobilization discontinuing conventions. This directive eliminates the buyers' markets held at Dallas semi-annually by the Southwestern Men's Apparel Club. The merchants in that territory have found it more convenient, less expensive, more satisfactory from every standpoint, for them to attend these Dallas markets than to be forced to go to the larger market centers in Chicago and New York. At the Dallas market they could buy from 35 to 50 lines within 3 or 4 days, whereas if they were required to go to the points of production they would have to spend from 2 to 3 and sometimes 4 weeks to accomplish the same results.

On March 6 I addressed a letter to the Honorable James F. Byrnes, Office of War Mobilization, the White House, East Wing, with carbon copies of the letter transmitted to the Office of Defense Transportation, the War Department, the Navy Department, the War Production Board, the War Manpower Commission, and the Department of Commerce.

On March 9 Director Byrnes addressed a letter to me, informing me that my letter on behalf of my constituents had been referred by him to the War Committee on Conventions, and said that his request for cancellation of trade shows was occasioned by the necessity for relieving the burden of overtaxed transportation and housing facilities in order that these might be more directly available in the war interest. He further stated that these mass showings of merchandise involve mass concentrations of buyers which appear unnecessary because of transportation and housing facilities required, and also because of the shortage of available merchandise. He declared that the committee felt "that slightly more travel or slightly longer trips spread over a longer period of time would be preferable to the concentration of such travel at one time and place."

Subsequently the secretary of the War Committee on Conventions, under date of March 14, addressed me on this subject, stating:

2. The policy of the committee with reference to trade shows or market weeks was established only after careful deliberation and conference with leaders in this field. The application of this policy has been uniform nationally. Moreover, from only two other areas have we had letters from merchants protesting this policy, those being the Atlanta and Twin City areas.

3. Inasmuch as the sponsors of these market weeks have obviously appealed to all of the merchants in their particular area for their support, the actual support they have received from this group is infinitesimal as evidenced by the number of letters that have been received in connection with the movement. In other words, we honestly feel that the letters we have thus far received are not in reality the spontaneous expression of these merchants.

4. Peculiarly, this committee has had not one similar complaint from those whom we feel should be most vitally interested in this present restriction and that is the actual producer of the merchandise which is being exhibited and displayed. Most certainly, if committee action had resulted in choking the distribution of merchandise, it would never leave the producers' hands. We are confident that this is not the case.

5. The committee feels that for the present, trade shows can be reasonably deferred until the present critical transportation and housing emergency has passed. These events result in a concentration of travel to a given point, together with a peak load upon hotel facilities. For the time being, this is an undesirable condition and accordingly we have denied all such applications for permit. There is no objection, of course, to the usual travel of salesmen. What we do object to is a concentration of salesmen and buyers at one time and place.

6. With the present shortage of merchandise of all types, the committee further feels that suppliers, practically without exception, equitably apportion their available products among their outlets. In addition, the present question with reference to merchandise is not so much the purchaser's choice from a style or quality angle, because he will accept, and

can dispose of, any merchandise that is available from his supplier.

7. The committee's present restrictions are not based upon a long-range plan and very naturally relaxation or removal of the present restrictions will take place as soon as the present overload upon transportation and hotel facilities has been sufficiently relieved.

8. We have gone into considerable detail, inasmuch as the committee feels that you should have all the facts surrounding its present position. However, we question the advisability of passing this information to your constituents in its entirety. We feel that paragraphs 5, 6, and 7 of this letter will amply reply to your constituents.

9. The committee will be more than appreciative of your active support of their present position on this subject.

Mr. Speaker, I replied to this letter under date of March 19 at some length, explaining my inability to agree with the policy or line of reasoning of the author and his committee, and requesting that the committee give careful consideration to my protests and that they "no longer hesitate to permit me to divulge the facts to my constituents." I courteously awaited a reply, without receiving one, except on March 28 someone from the office of the committee called me over the telephone and authorized me to inform my constituents of the position of the committee.

Mr. Speaker, this is a very pointed illustration of the manner in which our merchants are being required to submit to directives which they believe and say will eventually put the smaller merchants out of business.

It is a startling revelation that the War Committee on Conventions consider the producer as the one "most vitally interested in this present restriction." The producer or manufacturer who lives and has his place in New York or somewhere in the New England States, far removed from the retailer and consumer, obviously has been favored that the retailers and consumers have been discriminated against most severely. What would the producer do without the retailers and the consumers? These outlets are essential to the existence of the producer. Yet, the committee says in effect that they have put this restriction in effect for the benefit of the producers and with apparent abandon of any consideration for the great multitude of retailers and consumers.

Apparently, this is only another attempt to socialize a great and honorable line of business activity in this country. If followed to its logical conclusion, the bureaucratic control can tell the producer what to make and what not to make for the public. They can tell the producers to whom they can sell and to whom they cannot, and in what quantities, and when and where purchases must be made. By the same token, Mr. Speaker, the authors of such directives can determine type, quality, and quantity of clothing you and I shall wear—and all of this under the guise of war necessity.

This may partially explain why the author of the letter of March 14 said the committee "question the advisability of passing this information to your constituents in its entirety." I submit that such statements are shocking to the in-



telligence and the self-respect of American citizens.

Mr. Speaker, I hold that it is the high privilege and the duty of the Members of this House to represent their constituents and the Government of the United States as a whole. A part of that representation involves the right of a Representative in Congress to appeal on behalf of his constituents to any officer, board, commission, agency, or department of the Federal Government. It is our duty and pleasure to represent, as best we may, our constituents in an attempt to see that their rights are not invaded by any officer or agency of Government and to protect them against unlawful, improper, and overburdensome exactions and regimentation by our public servants. Why should we not disclose to our constituents, these intelligent merchants, the policies and the explanations for the promulgation of directives? Why should any bureau or agency of Government tell the people's Representatives something in secret, and request them not to divulge it to those whom they represent?

Mr. Speaker, why should any bureau be permitted to issue a directive to favor a few and disregard the rights of the many? Is it not our duty to find out what is back of these directives, explain it to our constituents, and attempt to correct the abuses and discriminations that are so apparent? Where will this line of conduct end?

The history of such practices in Germany and other countries whose example we do not want to follow in America, furnishes the answer. It is high time that this Congress voice its protests against such procedures in Government in this country.

Mr. Speaker, I fully realize that this exposé may result in a reticence or refusal of these bureaucratic agencies to furnish me further complete information when requested on behalf of my constituents. But, with the conviction that my position is tenable and that the attitude of the committee is wholly un-American, I fearlessly present the facts for the consideration of this body and for the enlightenment of my constituents and the public at large. No shroud of secrecy should be permitted to conceal the facts from the public and those truly interested, in dealing with our domestic affairs.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—CHARLES R. HOOPER

The SPEAKER laid before the House the following veto message from the President of the United States, which was read by the Clerk:

*To the House of Representatives:*

I return herewith without my approval a bill (H. R. 249) for the relief of Charles R. Hooper.

The bill would provide for the payment of the sum of \$3,000 to Mr. Hooper in settlement of his claim against the United States for personal injuries sustained by him while employed in the United States Navy Yard in Washington, D. C., in 1894.

It appears that he was employed in the navy yard from May 15, 1890, to October 1, 1895, as a blacksmith, and on August 1, 1894, while working in line of duty, his left eye was destroyed by a small piece of steel.

On February 28, 1944, I vetoed a similar bill (H. R. 2075, 78th Cong.), to provide for the payment of the sum of \$5,000 to Mr. Hooper. In my veto message I made the following statement:

Had the Employees' Compensation Act, which was approved September 7, 1916, been in effect at the time this injury occurred, it is assumed that the claimant would have been entitled to a measure of relief thereunder. The Employees' Compensation Act did not, however, have retroactive application and there are a great many other cases of employees who were injured or killed in the performance of duty prior to the enactment of the Employees' Compensation Act, in which cases the benefits of said act have not been available.

Approval of the bill under consideration would extend preferential treatment to the claimant not accorded in the many other cases of a similar or more serious character and would provide payment to the claimant without an appraisal of the amount to which he would be entitled, if any, in accordance with the standards of the Employees' Compensation Act.

The foregoing considerations are equally applicable to the present measure and I am, therefore, constrained to return the bill without my approval.

FRANKLIN D. ROOSEVELT.

The WHITE HOUSE, March 29, 1945.

The SPEAKER. The objections of the President will be spread at large upon the Journal.

The message together with the accompanying papers was referred to the Committee on Claims and ordered to be printed.

ANOTHER EXAMPLE OF MALADMINISTRATION IN CONNECTION WITH THE WAR-FOOD PROGRAM

Mr. MURRAY of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks in the RECORD and to include a memorandum of powdered milk prices in Wisconsin.

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

There was no objection.

Mr. MURRAY of Wisconsin. Mr. Speaker, we have been subjected to unlimited vocal and written propaganda from Washington as to the great increase in the production of dairy products. Much of this propaganda is misleading. The facts are that the national milk production has not increased very much. The American people have reduced their per capita consumption of milk products. This may have been necessary and best for the war effort as well. The United States produced over 100,000,000,000 pounds of milk in 1934. The largest increase in national production took place in 1941 over 1940. This was an increase of less than 6 percent. In 1943 and 1944 less milk was produced than in 1942. There has been an increase of about 3½ billion pounds from 1941 to 1945 or about 3 percent.

The maintenance of this production even has been accomplished in spite of many man-made obstacles.

The obstacles to a rapid increase in milk production have been the continuously increasing problem of manpower and the difficulties of securing equipment and machinery.

#### ADDITIONAL OBSTACLES

In addition to these obstacles that confronted the dairymen Wisconsin dairying has had added obstacles to meet because most of its milk has gone into manufactured dairy products.

First. We had the Plymouth Plus and Wisconsin Minus where Wisconsin cheese, representing 50 percent of the national production, has had a floor price from 0.6 cent to 2 cents per pound less than the floor price of the cheese of other States.

Second. We have seen the Office of Price Administration harass, persecute, sue, and collect thousands of dollars from the Wisconsin dairymen, largely the co-op for selling the powdered skim for animal feed above the alleged ceiling price, although the O. P. A. had not even fixed a dollar-and-cents price on the product. This action of the O. P. A. was harmful to the war food program and was an unnecessary and unfair attack on the co-op creameries.

The Second War Powers Act appears to be used only to harass the little people.

One of our colleagues from a Western State says the planners made a cheese factory close up because they had not made any cheese in 1942.

Why all the talk about a meat shortage when the W. F. A. will not allow the "poor man's meat"—cheese—to be produced?

#### THE POWDERED WHOLE MILK SITUATION

In 1943 only eighty-nine one-hundredths of 1 percent of the milk of the United States was manufactured into powdered whole milk. The industry, however, has expanded. The product is used by the armed forces in large amounts.

The milk producers, largely co-op in Wisconsin, started making this product for war.

I, as well as the other Members from Wisconsin, received a letter and a memorandum regarding the trials of powdered whole milk cases in Wisconsin from Mr. Milton H. Button, director, Wisconsin State Department of Agriculture.

The letter is as follows:

WISCONSIN STATE DEPARTMENT OF AGRICULTURE,

Madison, Wis., March 24, 1945.

HON. REID F. MURRAY,  
House Office Building,  
Washington, D. C.

DEAR CONGRESSMAN MURRAY: Attached is report of the O. P. A. trial against the Sand Creek Creamery Co.

As a result of this trial, it appears that this is the opportune time to secure a satisfactory settlement of the 15 cases and to make every effort to obtain the establishment of a dollars-and-cents ceiling on whole-milk powder.

Mr. Werner Wilking, special counsel for this department, and Mr. Clifford Mathys, attorney for the Sand Creek Creamery Co., plan to arrive in Washington on the morning of Wednesday, March 28.

Any suggestions and assistance you can give them will be in the interest of 10,000 dairy farmers of Wisconsin.

Sincerely yours,  
STATE DEPARTMENT OF AGRICULTURE,  
MILTON H. BUTTON, Director.

The following is a memorandum on the trial:

MEMORANDUM RE TRIALS OF POWDERED WHOLE MILK CASES AT WAUSAU

The trials of the 15 whole milk powder cases were started before Judge Stone at Wausau on March 8, 1945. At the request of the O. P. A., the first case to be tried was that against the Sand Creek Creamery Co. It was the contention of the O. P. A. that this was the key case and that a number of the cooperatives in the remaining cases were required to borrow their price from the Sand Creek Creamery.

Prior to trial it was the contention of O. P. A. that the ceiling of Sand Creek was determined by their most recent sale during the year preceding the base period of September 28 to October 2, 1942, inclusive. During preliminary motions heard in Madison the attorneys for O. P. A. stated in court that this was their contention. On the morning of the trial, however, the attorneys submitted to the attorneys for Sand Creek a statement in which they changed their position, claiming that the Sand Creek Creamery had a sale of roller process whole milk powder in bags during the base period. During the trial it was indicated that they were again changing their position, claiming that there were contracts entered into before the base period and delivery made after the base period, which under their theory constituted an offering price during the base period. This theory was based on the decision in the case of *Bowles v. Seminole Sand & Gravel Company*, in which the court held that where a contract was entered into prior to the base period providing for delivery on or before a date subsequent to the base period, it constituted an offering price during the base period.

The alleged sale during the base period was made to the Campbell Soup Co. of Chicago. According to exhibits introduced, the sale was made on September 10, 1942, and it was O. P. A.'s contention that delivery was made in Chicago on September 23, which would, if established, constitute a sale during the base period. The attorneys for the defendant immediately served notice for adverse examination of several employees of the Campbell Soup Co. in Chicago, which was objected to by counsel for O. P. A. However, the court permitted the taking of the depositions. During the trial defendants produced an officer of the Glendenning Trucking Co., Mr. Chester Purvis. The testimony of Mr. Purvis and the depositions of the employees of the Campbell Soup Co. conclusively showed that delivery was made in Chicago on September 25. O. P. A. also contended that the shipment was not accepted as to quality until October 5 and it therefore constituted an offering price during the base period.

Testimony was offered by the defense that the similar product most nearly like roller process whole-milk powder was spray process whole-milk powder. At the conclusion of the trial, however, the court held that spray powder was not a similar product to roller process powder and ordered all testimony relating to similarity stricken.

Counsel for O. P. A. sought to establish a ceiling price for Sand Creek of 24 cents in bags and 24.07 cents in barrels. The price for bags, according to their contention, was based on the sale during the base period and the price for barrels was established by the most recent sale during the year preceding the base period. Mr. Arthur stated to the court that actually the correct ceiling price of Sand Creek for powder in barrels was that

of the Barron Cooperative Creamery, but that since that price was less than 24 cents they were willing to overlook the strict requirements of the regulation and permit Sand Creek to use the price of 24.07 cents.

The defendant made repeated efforts to get into the record the Pfeifer formula which established for the Sand Creek Creamery a ceiling price of 26½ cents in bags and 27¼ cents in barrels. The court, however, refused to permit the introduction of this testimony and seemed to base his ruling on the fact that there was no actual offer in writing which would bind Sand Creek. However, the attorneys for the defendant succeeded in reading into the record the deposition of Ed Pfeifer taken by the O. P. A. in which he stated, in response to a question by the attorney for O. P. A., that he had an offering price during the base period and that price was 26½ cents and 27¼ cents. George Pfeifer also testified that he had such an offering price during the base period. This testimony is still in the record, although the court did not permit George Pfeifer to testify as to how he arrived at that price.

Under the pricing formula in M. P. R. 280, if O. P. A. could not establish a sale during the base period, it would then be necessary for the court and jury to determine whether the company had an offering price or prices during the base period, and, if so, what the highest offering price was. These were the only two methods of determining price that were later submitted to the jury on a special verdict.

At the conclusion of the testimony the plaintiff moved for a directed verdict. After hearing arguments the court reserved his ruling and stated that he wanted to submit the case to the jury on a special verdict. Under the special verdict the jury was asked to determine:

1. Whether Sand Creek had a sale during the base period;
2. Whether they had an offering price during the base period;
3. What the highest offering price was during the base period;
4. What was the highest price charged by the creamery for the most recent sale in the year preceding the base period;
5. Whether the Sand Creek Creamery made any sales in excess of their ceiling price;
6. If so, what the amounts of the overcharges were; and
7. Whether the creamery acted in good faith and took reasonable precautions to comply with the regulation if in fact it did sell in excess of its ceiling price.

The jury held 100 percent for the creamery and established its ceiling price at 26½ and 27¼ cents. This special verdict was in effect a general verdict based on the one question submitted to the jury, whether or not the creamery sold its product in excess of the ceiling price. At the time the special verdict was received the court made the comment that there obviously wasn't any evidence in the record to support the verdict of the jury. Counsel for O. P. A. immediately made the usual motions after verdict, including a motion to change certain answers in the verdict and a motion for judgment, notwithstanding the verdict.

The motions after verdict were argued before Judge Stone on March 19. In the meantime the trial of the case against the Cashton Cooperative Creamery Co. was commenced and reached a point where the plaintiff was introducing depositions relating to sales made by the Sand Creek Creamery. After hearing arguments, the court denied all of the motions of the plaintiff except its motion for a new trial, which was granted. The motion by the defendants for judgment on the verdict was denied. The court then set the case for a new trial in the April term, beginning on April 10, at which time there would be a new jury panel. The court also suggested that the jury in the Cashton case

be dismissed and that the case be retried. This was in line with the suggestion of O. P. A., that the Sand Creek was the key case and also in line with the court's views that all of the cases be settled.

Judge Stone expressed the opinion from the bench that the cases were of such a nature a settlement should be made and suggested that "counsel for O. P. A. should get their heads out of the clouds" and that some concessions should be made by the defendants. At the suggestion of the court the attorneys then conferred with Judge Stone in his chambers relating to the possibility of settlement. He asked counsel for O. P. A. what they would settle for and was informed that the amount would be about \$5,000. He then suggested to them that they consider the amount of \$2,500.

During the discussions which continued in the afternoon the court asked George Pfeifer to explain what their position really was. It was indicated that for the first time the court began to realize the position of the defendant and the other creameries, and that there was considerably more to the case than contended by O. P. A. He urged counsel for O. P. A. to prevail upon the Washington office to issue the dollar-and-cents ceiling for whole-milk powder and that they make determined efforts to settle all the pending cases. It was his further comment that he hoped that O. P. A. in settling the cases would come back with a price of not less than 26½ cents in bags and 27¼ cents in barrels, which was the price sought to be established by Sand Creek. With the exception of possibly one or two cases, all of the defendants sold their whole-milk powder at prices which were equal to or less than the Sand Creek price.

The counsel for the defendant creameries and George Pfeifer had a later conference at the hotel in which I was asked to participate. At this conference it was stated that the efforts of the State department of agriculture to negotiate a settlement through the Chicago and Washington offices had considerable effect. It was the consensus of the group that the department make further efforts to effect a disposition of the cases through the Washington office and also bring pressure to bear for the issuance of the dollar-and-cents ceiling price for whole-milk powder. It was suggested that we consider the procedure to be followed, and it was urged, if it was deemed necessary, that we go directly to the Washington office and that Mr. Mathys, counsel for Sand Creek, also attend such meetings.

WERNER A. WILKING,  
Special Counsel.

MARCH 20, 1945.

Note the judge set aside the jury's verdict.

When I met these gentlemen I made the following inquiries and received the following replies:

MARCH 28, 1945.

(Congressman REID MURRAY, Wisconsin; Mr. Werner Wilking, special counsel for the Wisconsin State Department of Agriculture, Madison; and Mr. Clifford Mathys, attorney for the Sand Creek Creamery Co.)  
Mr. MURRAY. If the farmer receives \$2.65 a hundred for his milk, what would the powdered whole-milk ceiling price of necessity be?

Mr. WILKING. With butter-fat content 3.5, about 29 cents.

Mr. MURRAY. What is the present O. P. A. ceiling price?

Mr. WILKING. Nobody knows. We are down here trying to find out.

Mr. MURRAY. How long have you tried to find out?

Mr. WILKING. Ever since after the issuance of temporary regulation No. 22, which was issued in October 1942, which regulation froze prices.



Mr. MURRAY. What was the status of this powdered-milk business before the war?

Mr. WILKING. The volume was low and it wasn't used to be put back into milk. It was used for baby food, cooking, and so forth.

Mr. MURRAY. What is the present controversy in Wisconsin?

Mr. MATHYS. In the first place O. P. A. has failed to place a dollar-and-cents price on powdered whole milk. Just a formula was suggested to determine price on whether it was made in a certain period. If not, we try to get competitors' price—get prices on powdered milk nearly like it. O. P. A. hasn't been able to tell any creamery actually what the price is. In this lawsuit they had three different theories as to price. They changed theories during the course of the trial. Fourteen creameries have borrowed price from the Sand Creek Creamery. If the Sand Creek Creamery is wrong, they are all wrong. They finally claimed that the price should be about 24 cents with a little variation as to whether it is in bags or barrels. The Sand Creek Creamery price should be 26½ cents if in bags, and 27¼ cents if in barrels. We have always adhered to that price. The jury found that the Sand Creek price of 26½ cents was a proper ceiling price.

Mr. MURRAY. I would like to ask the gentleman this question: How can the Sand Creek Creamery or any other creamery pay \$2.65 a hundred for milk, and sell the powdered whole milk at 26½ cents?

Mr. MATHYS. They can't do it, and are not doing it. They are now being sued because they charge 26. They should not have charged more than 24 cents. That is utterly impossible. Over a year ago Vinson directed Bowles to fix a dollar-and-cents price on powdered milk. He hasn't done it to this day, but has made the assurance repeatedly that it would be done. Judge Stone in this case set the jury's verdict aside. Don't ask me why. Since the trial he has said that he is satisfied the price is too low. He has asked why the O. P. A. has not fixed the price. He said he would write a letter himself to the O. P. A. telling what happened, and suggesting that because of the chaotic situation in Wisconsin a dollar-and-cents price should be fixed. That is why we are down here now to get that price fixed. I have Judge Stone's letter which I will deliver to the O. P. A. myself. The dollar-and-cents price would end confusion.

Here then we have this situation:

First. The Government allocated the strategic materials to build many powdered whole-milk plants.

Second. The armed forces need and have made good use of this product.

Third. The farmers, largely the co-ops diverted milk to the production of powdered skim milk.

Fourth. The O. P. A. did not and has not as yet placed a dollars-and-cents ceiling on the product.

Fifth. The Wisconsin farmer evidently, if he received the 29 cents per pound O. P. A. ceiling on the product, would receive but \$2.65 per hundredweight for his milk.

Sixth. The average price of milk in the United States in 1944 was \$3.24 per hundredweight, and the average price of milk in Wisconsin was \$2.70 per hundredweight.

Seventh. The Wisconsin co-ops are being sued for trying to obtain less than \$2.65 per hundredweight for their members even at a time several States have fixed milk prices of from \$4 to \$4.80 per hundredweight.

Yes, even at a time when the subsidy to several States is over twice as much as that received by Wisconsin farmers.

This maladministration by the Office of Price Administration and the War Food Administration has harmed and is now harming the war food program.

Even the thought of harassing, persecuting, and prosecuting one group of producers receiving less than \$2.65 per hundredweight at the very time other groups in the United States receive from \$4 to \$4.80 per hundredweight and a subsidy of 90 cents on top of it is wrong.

Wisconsin farmers do not have to be paid for their patriotism. They have done their best, in spite of the broken promises and the nonsensical persecutions by groups that should know better. Surely apologists for the New Deal and its ways can justify these performances if they wish. I shall not, however, defend any group that is not only harming the war food program and the war effort but are persecuting people who make more contribution to the war food program in 1 day than many in this outfit ever made or ever will make.

Let us get a few food facts straight:

First. As long as the War Food Administration prevents the milk producers of the Nation from making all the "poor man's meat" or cheese there is not any use for one to figure what a food committee can do to furnish more food.

Second. If milk subsidies are to increase milk production, the fact that in April 1944 40 percent more subsidy was paid than is to be paid in April 1945 would indicate that the War Food Administration is not trying to increase milk production.

Third. A hundred pounds of feed will produce four times as much human food when fed to dairy cows as when fed to beef cattle. The few with the price have no reason to be expecting a luxury food during wartime. If the Government allocates 40 percent of the choice meats largely to the hotels and restaurants patronized by people in the top income brackets and only 20 percent of the cheaper meats to the great bulk of our population we have the same situation as in the dairy foods wherein cream for the few is unrationed, and products made from the skim milk have been rationed, and where dairy products with small butterfat content are even now rationed.

When a dairy product with 19 percent butterfat is not rationed and one with only half that butterfat content is rationed, it clearly indicates that the present War Food Administration is dominated by the people that make little or no use of the experiments and studies carried on by the agricultural colleges the past 50 years. This is evident by the service record of the men who are making the senseless rulings.

Fourth. Since nearly half the beef of the country has been derived from the dairy industry, it would be fair to point out that all during the fall of 1944 and early winter, the price of dairy cattle going to beef was hovering around the so-called parity price, which, as you know, was unfavorable during the 1910-14 period.

Fifth. I did not notice that any packers were vocal when they were buying these dairy cattle at relatively low prices last fall. They did not show the effect on meat production at that time. I did

not hear any packer complaints when a few months ago they bought millions of light hogs below the guaranteed 90 percent parity floor price. I did not even hear of the packers complaining when they were receiving a pork subsidy at the very time they were buying light hogs at even as low as one-half of parity.

Sixth. This whole food confusion is due largely to (1) maladministration by people untrained in their jobs; (2) in evidencing more interest at times in the vote crop than the food crop; (3) in following sectional favoritism such as allocating 14 percent of the mixed fertilizer to one State that produces less than 2 percent of the food of the Nation; (4) in allocating protein feeds on a basis not consistent with maximum food production. In fact I noted at times more protein feed was allocated to a State producing less than one-fifth the amount of animal products that another State was producing.

Seventh. There has been altogether too much propaganda that does not give the right picture. It does not make sense to compare wartime food production with the production during the drought years. This is especially apparent when one takes the food commitments into consideration.

Eighth. If the farm organizations and men with food-production experience were taken more fully into conference, and if the farmer groups like the A. A. A. had more consideration given to their recommendations much of the confusion could have been avoided.

#### REPEAL OF SECTION 1505 OF THE G. I. BILL OF RIGHTS

Mr. McDONOUGH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

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

There was no objection.

Mr. McDONOUGH. Mr. Speaker, I have today introduced a bill to repeal section 1505 of the G. I. bill of rights. This is an unusual section because of the fact it provides that any benefits a veteran of this war receives may be deducted from any bonus that in the future will be granted by the Congress of the United States. In other words, if a veteran receives benefits in the way of education, for instance, and it amounts to the equivalent of a bonus that may be later granted, his bonus will be denied. I do not think the Congress intends that. I do not think the people expect our veterans to be so treated and I am therefore asking for support of the bill that I have introduced which would repeal section 1505 of the G. I. bill of rights.

The SPEAKER. The time of the gentleman from California has expired.

#### EXTENSION OF REMARKS

Mr. LUTHER A. JOHNSON asked and was given permission to extend his remarks in the RECORD and to include a brief editorial.

Mr. WOODRUFF of Michigan asked and was given permission to extend his remarks in the RECORD and to include a newspaper article and an editorial.

Mr. GILLIE asked and was given permission to extend his remarks in the RECORD and to include a valedictory address by Patrick E. Carroll, at the graduation exercises for handicapped World War veterans of World War No. 2.

#### INVESTIGATING VETERANS' FACILITIES

Mr. RANKIN. 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 Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, in obedience to House Resolution 192 passed a few days ago with reference to investigation of the Veterans' Administration, I have appointed each member of the Committee on World War Veterans' Legislation a subcommittee of one to visit and inspect veterans' hospitals and facilities during the recess.

In order to conserve time and expenses as much as possible, I have carried out the wishes of the committee and divided the country into three sections—first, the Northeastern States, second, the Southern States east of the Mississippi River and third, the Western States, including all the States west of the Mississippi River. I have appointed the Members from those areas to visit the hospitals in their respective sections.

I have no authority to appoint anyone who is not on the Committee on World War Veterans' Legislation, but I again call on every Member of Congress who has an opportunity during this recess to go through the veterans' hospitals and facilities in his own area, or anywhere else that he may have the opportunity to do so, and to make such investigations or such inspections as the opportunity affords and report back to me as chairman of the Committee on World War Veterans' Legislation when the Congress reconvenes.

#### ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 2745. An act to amend section 8 of the act entitled "An act to establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures, and Markets of the District of Columbia; and for other purposes", approved March 3, 1921; and

H. J. Res. 142. Joint resolution providing for the employment of Government employees for folding speeches and pamphlets, House of Representatives.

#### ADJOURNMENT

Mr. SHEPPARD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 16 minutes p. m.) the House (under its previous order)

adjourned until Monday April 2, 1945, at 12 o'clock noon.

#### COMMITTEE HEARINGS

##### COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

The Committee on the Merchant Marine and Fisheries will resume its hearings on the ship sale bill, H. R. 1425, on Thursday, April 19, 1945, at 10 o'clock a. m.

#### 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. MCGEEHEE: Committee on Claims. S. 238. An act for the relief of the Lawrence Motor Co., Inc.; without amendment (Rept. No. 402). Referred to the Committee of the Whole House.

Mr. BYRNES of Wisconsin: Committee on Claims. S. 514. An act for the relief of the Baldwin Bros. Paving Co.; without amendment (Rept. No. 403). Referred to the Committee of the Whole House.

Mr. HEDRICK: Committee on Claims. H. R. 244. A bill for the relief of Adell Erown and Alice Brown; with amendment (Rept. No. 404). Referred to the Committee of the Whole House.

Mr. COLE of Kansas: Committee on Claims. H. R. 879. A bill for the relief of Ed Williams; without amendment (Rept. No. 405). Referred to the Committee of the Whole House.

Mr. GRANAHAAN: Committee on Claims. H. R. 903. A bill for the relief of Myles Perz; with amendments (Rept. No. 406). Referred to the Committee of the Whole House.

Mr. GRANAHAAN: Committee on Claims. H. R. 1031. A bill for the relief of Mathew Mattas; with amendments (Rept. No. 407). Referred to the Committee of the Whole House.

Mr. BARRETT of Pennsylvania: Committee on Claims. H. R. 1083. A bill for the relief of George Hampton; with amendment (Rept. No. 408). Referred to the Committee of the Whole House.

Mr. HEDRICK: Committee on Claims. H. R. 1241. A bill for the relief of Margaret M. Meersman; without amendment (Rept. No. 409). Referred to the Committee of the Whole House.

Mr. CASE of New Jersey: Committee on Claims. H. R. 1482. A bill for the relief of Sam Wadford; with amendments (Rept. No. 410). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 1710. A bill for the relief of Dr. Alma Richards and Mrs. Mary Block; with amendments (Rept. No. 411). Referred to the Committee of the Whole House.

Mr. BARRETT of Pennsylvania: Committee on Claims. H. R. 1847. A bill for the relief of Francis X. Servaites; without amendment (Rept. No. 412). Referred to the Committee of the Whole House.

Mr. HEDRICK: Committee on Claims. H. R. 1952. A bill for the relief of Joseph Brunette; with amendment (Rept. No. 413). Referred to the Committee of the Whole House.

Mr. BARRETT of Pennsylvania: Committee on Claims. H. R. 2361. A bill for the relief of Alexander Sawyer; with amendment (Rept. No. 414). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 2732. A bill for the relief of the Leba-

non Woolen Mills, Inc.; with amendment (Rept. No. 415). 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. GILLIE:

H. R. 2821. A bill to remove for the duration of the war certain limitations upon the appointment and compensation of retired commissioned officers employed in civilian positions by the Government; to the Committee on Military Affairs.

By Mr. HARRIS:

H. R. 2822. A bill relating to the payment of World War veterans' adjusted compensation in certain cases of the veteran's continued absence from home for a period of 15 years; to the Committee on Ways and Means.

By Mr. JOHNSON of California:

H. R. 2823. A bill to release rights of the United States to certain property in Stockton, Calif.; to the Committee on Public Buildings and Grounds.

By Mr. McDONOUGH:

H. R. 2824. A bill to strike out the provision in the Servicemen's Readjustment Act of 1944 requiring that any benefit received by any veteran under this act shall be deducted from any subsequent adjusted compensation that may be authorized; to the Committee on World War Veterans' Legislation.

By Mr. REED of New York:

H. R. 2825. A bill to amend the Internal Revenue Code; to the Committee on Ways and Means.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. ANGELL introduced a bill (H. R. 2826) for the relief of Esther L. Berg, which was referred 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:

313. By Mr. BLOOM: Petition of Taxpayers' Local Option Committee, protesting the enactment of prohibition legislation; to the Committee on the Judiciary.

314. By Mr. CASE of South Dakota: Petition of Mrs. C. M. Simons and 35 other citizens of Burke, S. Dak., urging enactment of House bill 2082, a measure 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; to the Committee on the Judiciary.

315. By Mr. CHURCH: Petition of Lillian O'Dea and sundry other citizens of Chicago and Evanston, Ill., urging the passage of the Bryson bill (H. R. 2082); to the Committee on the Judiciary.

316. By Mr. HOCH: Petition of the Board of School Directors, School District of the City of Reading, Pa., favoring the establishment of an International Office of Education and the establishment within that office of a United Nations organization for educational and cultural reconstruction; to the Committee on Education.

317. By Mr. LEONARD W. HALL: Twenty-three petitions containing 653 signatures in opposition to the enactment of House bill 2082, the so-called Bryson bill; to the Committee on the Judiciary.