

House of Representatives

THURSDAY, FEBRUARY 9, 1939

The House met at 11 o'clock a. m.

Rev. Edwin Holt Hughes, D. D., LL. D., senior bishop of the Methodist Episcopal Church, Washington, D. C., offered the following prayer:

Almighty God, our Father: When long ago Thou didst reveal Thy will to Thy people through the greatest of human lawgivers, we were told of "the land which the Lord, our God," gave to us. We are glad to believe that this ancient word is true for our country. We would more and more treat it as Thy divine gift. Thou didst lift its mountains. Thou didst extend its prairies. Its surrounding seas are Thine, for Thou hast made them; "and Thy hands formed the dry land." When we think of the wonder of the territory which Thou hast made for us and given to us, we are disposed to praise Thee and to cry out, "For ourselves, and our country, O gracious God, we thank Thee."

In due season of Thy providence Thou didst give us a separate place among the nations. Thou dost now command us to give back to Thee the land of Thine own giving, consecrated to Thine own holy purposes. Grant Thy mercy and grace to all our citizens. Give Thy benediction and guidance to all our lawmakers that they may fulfill Thy law. Through Jesus Christ our Lord. Amen.

THE JOURNAL

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

KATHRYN T. MAIER

Mr. WARREN. Mr. Speaker, I offer a privileged resolution from the Committee on Accounts and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 87

Resolved, That there shall be paid out of the contingent fund of the House to Kathryn T. Maier, widow of John G. Maier, late an employee of the House, an amount equal to 6 months' salary compensation, and an additional amount not to exceed \$250, to defray funeral expenses of the said John G. Maier.

The resolution was agreed to, and a motion to reconsider was laid on the table.

INVESTIGATION OF UN-AMERICAN PROPAGANDA IN THE UNITED STATES

Mr. WARREN. Mr. Speaker, I offer a further privileged resolution from the Committee on Accounts and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 81

Resolved, That the expenses of conducting the investigation authorized by House Resolution 26, incurred by the special committee appointed to investigate un-American propaganda in the United States and related questions, acting as a whole or by subcommittee, not to exceed \$150,000, including expenditures for the employment of experts, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman thereof and approved by the Committee on Accounts; that the official committee reporters may be used at all hearings held in the District of Columbia if not otherwise officially engaged."

The Committee on Accounts having given consideration to the above resolution recommends that the original do not pass, but that the substitute, as follows, do pass:

Resolved, That the expenses of conducting the investigation authorized by House Resolution 26, incurred by the special committee appointed to investigate un-American propaganda in the United States and related questions, acting as a whole or by subcommittee, not to exceed \$100,000, including expenditures for the employment of experts, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman thereof and approved by the Committee on Accounts, and the

amount herein appropriated is to cover all expenditures of said committee of every nature in completion of its investigation and filing its report not later than January 3, 1940.

"Sec. 2. That the official committee reporters may be used at all hearings held in the District of Columbia if not otherwise officially engaged.

"Sec. 3. The head of each executive department is hereby requested to detail to said special committee such number of legal and expert assistants and investigators as said committee may from time to time deem necessary."

Mr. WARREN. Mr. Speaker, after I conclude my brief statement about this matter I propose to yield 2 or 3 minutes to the minority leader, the gentleman from Massachusetts [Mr. MARTIN]. After this I propose to move the previous question.

We have a very important bill, the consideration of which must be completed today, brought out by the Ways and Means Committee, and in order to aid the minority in their out-of-town engagements over the week end, this bill has been brought in today. For this reason we are greatly pressed for time.

Mr. Speaker, now that we are in a calmer moment, it is not amiss for me to discuss some phases of this special committee, both pro and con. The resolution carries the largest single amount that has ever been brought out by me during the last 8 years to be paid from the contingent fund of the House. Frankness compels me to say that had not the original resolution been amended to terminate this investigation within the period of a year I would not have supported it, and I believe this view is concurred in by many others in this body. I have always opposed, and consistently so, the setting up of these perpetual investigations by the House of Representatives. We report out here today a substitute which has the unanimous approval of every member of the Committee on Accounts, all members being present at the meeting except one. It also has the approval of the three members of the special committee who appeared before the Accounts Committee, to wit, Mr. DIES, Mr. STARNES of Alabama, and Mr. DEMPSEY.

We have reiterated in section 1 of the resolution what the House has already expressed by a very large vote, and that is that the amount herein appropriated is to cover all expenditures of said committee of every nature in completion of its investigation and filing its report not later than January 3, 1940.

The Committee on Accounts has seen fit to add another section which was contained in the resolution passed last year, and that is we again call upon the head of each executive department to detail to the special committee such number of legal and expert assistants and investigators as said committee may from time to time deem necessary.

There is no use for us to quibble over this. The chairman of this select committee respectfully and in accordance with the terms of the former resolution requested aid from department heads. For some reason that aid was declined and was not given, although it is a well-known fact that various departments of the Government have assigned from time to time such assistance and one instance of it is on record in the hearings on the independent offices bill, the consideration of which was just completed last night. The departments have assigned special counsel or special investigators to various select committees set up by either body.

Now, I have some pride in the authority and the greatness of the House of Representatives, and I want to serve notice, and I believe this is in accord with the feeling of the House of Representatives, that when we pass a resolution, although it does not have the binding effect of law,

when we call upon a department to lend aid to any committee that we set up, we expect the request to be observed and obeyed as far as possible or good reason to be ascribed why it is not obeyed. [Applause.]

This is the third investigation of this nature that has been authorized by the House of Representatives during my service here. Shortly after I came here we had the committee headed by the gentleman from New York [Mr. FISH]. What was accomplished? Absolutely nothing. Then followed the committee headed by my distinguished friend from Massachusetts [Mr. McCORMACK]. That committee almost got somewhere. They did what the House instructed them to do. They made a final report and recommended legislation. They recommended the passage of five bills to cure the evils that they had investigated. Those bills were duly considered by the appropriate committees of the House and were reported favorably to the House. One of those bills was enacted into law, and the other four measures, by obstruction, by dilatory tactics, and by refusal to have them considered, are now embalmed in the archives of useless papers. How surprised we would be, how astounded we would be, if somehow, somewhere, sometime, some of these investigating committees that are set up would come back here with a report and have their recommendations enacted into the law of the land. That just does not happen. In only the most isolated cases has it ever happened.

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

Mr. WARREN. Yes.

Mr. McCORMACK. I might also say that the bill the gentleman refers to is the Registration Act, that became a law last year, compelling all persons in the employ, directly or indirectly, of any foreign government, any foreign political body, any foreign agency of any kind, corporate, partnership, individual, set up for propaganda purposes in the United States, to register with the Secretary of State. It is the first bill that any Congress has enacted, which enables the Department of Justice to make any investigation, and as a result of the passage of that law, the Department of Justice is now investigating the important evidence referred to by the Dies committee, and it took 4 years for that bill to pass.

Mr. WARREN. And the gentleman will, of course, admit that he was blocked in getting up the other four bills.

Mr. McCORMACK. The fact is that the other four bills are not still up. I shall not use the word "blocked." The fact is those bills are not here; they have not passed. One of them was a bill making it a crime for anyone knowingly or willfully to advocate the overthrow of our Government by force and violence, and I can never see why anyone could oppose the passage of that bill.

Mr. WARREN. Nor could I. This committee is in a little more fortunate position. The chairman of this special committee is a member of the Committee on Rules. Another member, my friend the gentleman from New Mexico [Mr. DEMPSEY], is likewise a member of the Committee on Rules, and I beg this special committee now not to let a whole year go by. They have the power. Certainly they have found something from their investigations of 7 months to bring in here to this House. But I beg them not to let a year go by without the House at least having an opportunity to consider some corrective legislation that they might suggest.

I know that perhaps any advice from me to this committee might be considered gratuitous and not wanted. I entertain for the membership of the special committee both high regard and personal friendship. I quote from a letter written by the chairman of the committee:

Of course, some of the testimony must be discounted, due to bias, the natural tendency to exaggerate when dealing with this subject, and other factors; but after making due allowance for all these factors, the fact remains that the situation is sufficiently serious to justify a thorough and fearless investigation which will accord to all sides a full opportunity to be heard, to the end that the truth with regard to all un-American activities and propaganda may be ascertained once and for all.

The special committee has an opportunity to render a distinct and outstanding public service. If it will hew to the line;

if it will march straight ahead; if it will turn neither to the right nor to the left; if it will not listen to the blandishments of any group or succumb to the itch of publicity, and will go forward and ferret out the facts and recommend legislation that will be effective, then they will receive the thanks and plaudits of the American people.

But, on the other hand, if this committee is to ride over the land looking under every pillar and post for those with whose views they might not agree, if constitutional rights of citizens are to be trampled or invaded, if they have any idea of conducting an inquisition, then they will probably be condemned and their works and labors will prove ineffectual. [Applause.]

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

Mr. WARREN. For a question.

Mr. SABATH. Will the gentleman yield me 3 minutes? I am not opposed to the resolution. All I desire is 3 minutes, in view of the fact that the action of the committee has been called to the attention of the House. As chairman of the Committee on Rules, I desire to make a brief statement, and also due to the fact that I supported the resolution.

Mr. WARREN. How much time does the gentleman from Massachusetts desire?

Mr. MARTIN of Massachusetts. Not much. First, I wish to ask a question before I take the floor.

Mr. WARREN. Certainly.

Mr. MARTIN of Massachusetts. I notice in the first paragraph that the amount to be given to the committee is \$100,000. Does the gentleman consider that adequate for a real investigation?

Mr. WARREN. I certainly do. Frankly, it is a somewhat higher amount than I personally favored. I want to say that Mr. DIES, Mr. STARNES of Alabama, and Mr. DEMPSEY stated that in their opinion it would be adequate. Therefore we have given them that amount so that there will be no future alibis. That is the reason I am supporting an amount that large.

Mr. MARTIN of Massachusetts. As to section 3, it was in the last resolution which was passed last year; but, as I understand it, the departments did not comply, as the gentleman from North Carolina has well stated and did not provide any assistance to the committee.

Mr. WARREN. That is correct.

Mr. MARTIN of Massachusetts. The chairman of the committee in introducing this resolution this year left out that proviso, and the Committee on Accounts have seen fit to reinsert it. Can that be taken to mean that that is any effort to sabotage this committee in its work? As I understand the evidence that has been presented before the committee, it is to the effect that there is more or less communism in some of the departments of Government. If that be true, should those departments of Government be asked to provide assistants for an investigation which might go into their own department?

Mr. WARREN. I do not think the gentleman from Massachusetts even thinks there is any attempt to sabotage this committee.

Mr. MARTIN of Massachusetts. I do not think so, but I want to give the gentleman from North Carolina an opportunity to explain it.

Mr. WARREN. I will tell the gentleman. I suggested that that be put in there. I assure the gentleman I have not been in communication with nor consulted any department. It is simply permissive for the special committee to call upon them. But I say this, and I know the gentleman will agree with this, as I have just said, that if this committee does call on them, that department ought to respond, because the request comes from the House of Representatives.

Mr. MARTIN of Massachusetts. I agree thoroughly with the statement of the gentleman from North Carolina. I also appreciate that if there had been more cooperation in the past it would have saved a great deal of money for the people of the country. But, as it now reads, the chairman is not compelled to ask for assistance from a department that he may want to investigate.

Mr. WARREN. Not at all.
Now, Mr. Speaker, I shall yield 5 minutes to the gentleman from Massachusetts [Mr. MARTIN] and then I shall yield 3 minutes to the gentleman from Illinois [Mr. SABATH]. After that I shall move the previous question. [Applause.]

Mr. MARTIN of Massachusetts. Mr. Speaker, first I must remind the House if no legislation has emanated from previous committees, certainly it cannot be charged to the Republican membership of either branch of the Congress. For the past 5 years, the Congress has been overwhelmingly Democratic, and if proper legislation has not been brought to the floor, that responsibility, of course, rests upon those who control the House or the Senate.

The Republican membership of the House is 100 percent back of this resolution to provide adequate funds for the Dies investigation. We showed that in our vote the other day when we expressed ourselves unanimously that this investigation should go on. We may say no legislation has emanated from past committees, but I honestly believe every one of those committees has accomplished some good. It is not always necessary to have legislation for a committee to justify itself. If we can arouse the conscience of the American people to the abuses that are going on in the country, then that money is well spent. [Applause.] We are spending billions of dollars in this country for defense against any foreign government which might attack America. If we can spend billions for armament it is not unwise to give \$100,000 to protect the American people from forces that are trying to undermine America at home. America, if it is ever destroyed will be from forces undermining it at home rather than from an attack from abroad. [Applause.]

The Republican membership of this House is for this investigation. Our hope is the committee will continue, as believe it has in the past, for a fearless, honest, and impartial investigation. If there is communism in any of the departments, that fact should be revealed. If there are groups of people trying to destroy the America of today they should be exposed. The American people are demanding the real facts and the gentleman from Texas and his committee have been given an opportunity, rare indeed, to render great service to this country. I sincerely hope they will not fail.

I am glad to here record the support of the Republican membership of the House and I trust this resolution will be unanimously adopted. [Applause.]

Mr. WARREN. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Lest there be any misunderstanding, let me make it clear that I supported and voted for resolutions creating the McCormack committee and the original resolution setting up the Dies committee. However, thousands of individuals, organizations, patriotic, and other groups feel, and I concur in that feeling, that the Dies committee has permitted itself to become an instrument of those who fight the administration, and of Fascist and Nazi groups which seek to divert attention from their own subversive activities.

Mr. DIES has admitted that mistakes were made in the past and now assures the Rules Committee, the Accounts Committee, and the House that he will avoid such mistakes in the future. Therefore I support this resolution authorizing \$100,000 to renew the committee's work. In fact, I could gladly say that \$500,000, if need be, should be given a committee to really inquire into subversive activities.

I know that it costs money to carry on Nation-wide investigations, and I know that support cannot be had from governmental agencies. To correct a mistaken impression given the general public that the departments refused to help the Dies committee, I want it known that the House during the past Congress passed an amendment prohibiting the departments from loaning employees to congressional committees. Under members, some of whom now criticize the departments for not giving assistance, should remember that I was one of the very few who fought in the well of this House to

defeat the amendment prohibiting departments from giving help to our select committee.

Let the House be sure of one thing, Mr. Speaker, and that is that there will be no delay by the Rules Committee in reporting out any proposed legislation to deal with un-American activities. I have been personally disposed toward legislation proposed by Mr. McCORMACK and regret that no favorable action has been taken to date. Unfortunately, the other side objected to consideration of these bills.

I hope that the Dies committee, with the renewed life and additional funds granted it, will go out and do a real job in exposing un-American activities. And by un-American activities I mean the acts of the Nazis, the Fascists, the Silver Shirts, and all the other subversive groups, and not only the Communists. I despise them all with equal intensity. Another thing I hope is that the committee will not permit irresponsible and designing individuals to brand all liberals and progressives as Communists. There are those who for political or other reasons have assailed members of the Cabinet and even the President of the United States and by implication branded them as un-American. I resent this and will fight such tactics with every resource at my command.

With the naming of the capable and conscientious gentleman from California as the new member of the committee I know that the committee is strengthened materially, and I trust that the criticism voiced by thousands of Americans during the past year will have no reason to be heard in the future. [Applause.]

Mr. WARREN. Mr. Speaker, I move the previous question on the resolution and the substitute amendment to final passage.

The previous question was ordered.

The substitute amendment was agreed to.

The resolution as amended was agreed to, and a motion to reconsider was laid on the table.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, we have a very important bill coming up today. I do not know how much time is going to be allotted for its consideration.

Mr. RAYBURN. We have already agreed on 3 hours' general debate, I may say to the gentleman, by unanimous consent.

Mr. WOLCOTT. Although I will not object to adjourning over until Monday, I call attention to the fact that as discussion on this bill proceeds today I am not so sure that this Congress will not be subjected to severe criticism in not taking up not only all of today, but all of tomorrow and all of Saturday in the consideration of this very fundamental question, one which has been before the country for 150 years.

Mr. RAYBURN. I may say to the gentleman that I very reluctantly agreed to the suggestion of the gentleman from Massachusetts [Mr. MARTIN] and many Members on that side of the aisle, not to have a session tomorrow and Saturday. But because I wanted to accommodate Members on that side of the House, about 35 of whom said they desire to get away for the celebration of Lincoln's Birthday, I have, at the instance of the gentleman from Massachusetts, submitted the request.

Mr. WOLCOTT. It is my opinion that we can better revere the memory of the second greatest American by staying on this floor and discussing this fundamental question of States' rights than we can by making speeches elsewhere in his memory.

Mr. RAYBURN. It is a foregone conclusion that Members cannot stay on the floor and at the same time make Lincoln Day speeches elsewhere.

Mr. WOLCOTT. I believe the gentlemen should stay here and make Lincoln Day speeches in defense of our dual democracy.

Mr. RAYBURN. We have plenty of time, and it is our intention to take plenty of time for debate today, to stay in session until this bill is passed.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I want to say in behalf of the majority leader that having the bill called up and passed today, was at the request of a good many Members of the minority side of the House. The committee had thought that 3 hours' debate would be ample; and I believe before we get through it will be seen that 3 hours is sufficient for everybody who so wishes to express himself.

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

Mr. MARTIN of Massachusetts. Certainly.

Mr. WOLCOTT. I may say to the gentleman from Massachusetts that if debate is limited to 3 hours, the opponents of this measure will not have more than an hour and a half. I happen to know that there are at least two of us who expect to speak in opposition to this bill. In studying this question I can see where I, with my limited knowledge of these matters, might easily take 40 or 45 minutes to clarify the position which I take. I do not see how Members such as the gentleman from New York [Mr. REED] and others who want to talk on this matter can begin to discuss the subject in the limited time which will be allotted to them.

I shall not be averse to adjourning over until Monday, because I do not think anything would be accomplished by it. If I objected to the request of the gentleman from Texas, I know that probably I would be a very unpopular Member of Congress for the next 48 hours, and that a rule, a resolution, or a motion would be made to adjourn over; so nothing would be accomplished by it and I would be charged with demagoguery in this respect. I do not want to demagogue in this respect, because it is a question which must be devoid of demagoguery. I do want, however, to call attention to the fact that it is impossible even to read the pertinent paragraphs from the three leading decisions of the Supreme Court in an hour and a half of time, to say nothing of discussing it.

Mr. CELLER. Mr. Speaker, reserving the right to object, will the chairman, or the acting chairman, of the Ways and Means Committee be liberal with time when it comes to amendments, or will they invoke the cloture rule? Our Committee on the Judiciary has considered this matter for 15 years. It is a matter of the greatest importance, and we should have sufficient time in which to discuss it. I do not object to the request, but I do hope that when it comes time to offer amendments that there will be no invoking of the cloture rule so as to stop debate on the subject.

Mr. RAYBURN. Certainly there is no desire on the part of the majority members of the Ways and Means Committee to do anything like that; and, frankly, I think much light will be shed on the subject between now and 3:30.

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

Mr. WOLCOTT. Mr. Speaker, further reserving the right to object, may I say to the majority leader and to the minority members of the Ways and Means Committee that there is no immediate necessity for the passage of this bill. Why can we not let this matter go over until the fore part of next week? Surely this is much more important than any appropriation bill which we may have up for consideration at that time.

Mr. RAYBURN. Mr. Speaker, I may say to the gentleman that I very much desired a session tomorrow and Saturday to consider the May bill and get it out of the way this week. As the gentleman from Massachusetts has just stated, I agreed to take this bill up and dispose of it today in order that the Members could get away until Monday. We must consider the May bill on Monday. We have an appropriation bill ready for consideration, and if we get through with that, the gentleman from Georgia [Mr. VINSON] will probably bring in a bill for consideration. So next week will be a rather heavy week.

So far as having a session tomorrow and next day is concerned, if objection is made to my request, I would simply announce that everyone could go home or wherever they

pleased, I would be here tomorrow and the Speaker would be here, and I would move to adjourn on the reading of the Journal tomorrow, so that the House would be back here Saturday. If there was nothing to do on that day, I would move to adjourn until Monday.

Mr. WOLCOTT. That is why I am not objecting. It is utterly futile and I am not going to object, but I may say that I have turned down urgent requests to speak in honor of Abraham Lincoln, but I believe we should stay here and honor him more by being on the floor to consider this bill.

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

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN. 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 Mississippi [Mr. RANKIN]?

There was no objection.

[Mr. RANKIN addressed the House. His remarks will appear hereafter in the Appendix.]

EXTENSION OF REMARKS

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the migration of the Negro from the farms of the South, the cause and the remedy, and to include a letter which I received from Dr. Kelly Miller, former dean of Howard University, together with my answer to that letter.

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

There was no objection.

[The matter referred to appears in the Appendix.]

THE NATIONAL DEFENSE

Mr. SABATH, from the Committee on Rules, submitted the following privileged resolution (Rept. No. 35), which was referred to the House Calendar and ordered to be printed:

House Resolution 88

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 3791, a bill to provide more effectively for the national defense by carrying out the recommendations of the President in his message of January 12, 1939, to the Congress. That after general debate, which shall be confined to the bill and shall continue not to exceed 6 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Military Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Crockett, its Chief Clerk, announced that the Senate insists upon its amendments to the bill (H. R. 2868) entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide supplemental appropriations for the fiscal year ending June 30, 1939, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing vote of the two Houses thereon, and appoints Mr. ADAMS, Mr. GLASS, Mr. MCKELLAR, Mr. HAYDEN, Mr. BYRNES, Mr. HALLE and Mr. TOWNSEND to be the conferees on the part of the Senate.

THE PUBLIC SALARY TAX ACT OF 1939

Mr. McCORMACK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 3790) relating to the taxation of the compensation of public officers and employees.

The motion was agreed to.