

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Second Legislature

OF THE

STATE OF MAINE

1945

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

SENATE

Wednesday, February 21, 1945.

The Senate was called to order by the President.

Prayer by the Reverend Walter Wood of Hallowell.

Journal of yesterday read and approved.

From the House:

Bill "An Act Relating to the Salaries of the Police Department of the City of Lewiston," (S. P. 270) (L. D. 617)

(In the Senate on February 8th, referred to the Committee on Salaries and Fees.)

Comes from the House, referred to the Committee on Legal Affairs in non-concurrence.

In the Senate, on motion by Mr. Brown of Aroostook, that Body voted to recede from its former action taken on February 8 whereby the bill was referred to the Committee on Salaries and Fees; and on further motion by the same Senator, the bill was then referred to the Committee on Legal Affairs in concurrence.

Papers from the House referred in concurrence.

From the House:

Bill "An Act to Remove Floating Islands in Corundell Lake in Corinna" (H. P. 1255) (L. D. 880)

In the House, referred to the Committee on Appropriations and Financial Affairs.

In the Senate, on motion by Mr. Brown of Aroostook, bill was laid upon the table pending reference in concurrence.

From the House:

Bill "An Act Extending the Workmen's Compensation Act to Cover Occupational Diseases." (H. P. 1238) (L. D. 864)

In the House, referred to the Committee on Judiciary.

In the Senate, on motion by Mr. Dow of Oxford, the bill was laid upon the table pending reference in concurrence.

From the House:

"Resolve Proposing an Amendment to the Constitution to Exempt all Intangible Property from Taxation." (H. P. 1264) (L. D. 887)

In the House referred to the Committee on Taxation.

In the Senate, on motion by Mr. Leavitt of Cumberland, the Resolve was laid upon the table pending reference in concurrence.

House Committee Reports

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Use of Gill Net in Taking White Fish," (H. P. 321) (L. D. 108) reported that the same ought to pass.

The Committee on Judiciary on Bill "An Act Providing for the Proof of Wills Where Subscribing Witnesses are Unavailable, by Reason of Service in the Armed Forces of the United States," (H. P. 650) (L. D. 299) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Duties of Town Clerks as to Discharge of Soldiers and Sailors," (H. P. 647) (L. D. 298) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Expense Fund of the State Employees' Retirement System," (H. P. 421) (L. D. 191) reported that the same ought to pass.

The same Committee on Bill "An Act to Simplify Payments by Employees' Retirement System," (H. P. 420) (L. D. 190) reported that the same ought to pass.

The Committee on Legal Affairs on Bill "An Act Amending the Charter of the City of Bangor," (H. P. 659) (L. D. 267) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Rules and Regulations of Nesson College," (H. P. 654) (L. D. 264) reported that the same ought to pass.

The same Committee on Bill "An Act to Make Valid the Acts and Doings of River-side Cemetery Association of Cape Elizabeth and to Authorize the Transfer by that Association and the Acceptance of the Inhabitants of the Town of Cape Elizabeth of that Association's Cemetery and Trust Funds," (H. P. 651) (L. D. 317) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Municipal Planning and Zoning," (H. P. 553) (L. D. 212) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Fire Depart-

ment of the City of Portland," (H. P. 531) (L. D. 211) reported that the same ought to pass.

The same Committee on Bill "An Act Amending the Charter of the City of Bangor," (H. P. 528) (L. D. 209) reported that the same ought to pass.

Which reports were severally read and accepted in concurrence, the bills read once, and tomorrow assigned for second reading.

The Committee on Judiciary on Bill "An Act Relating to the Registration of Voters," (H. P. 526) (L. D. 257) reported that the same ought to pass as amended by Committee Amendment "A."

Which report was read and accepted in concurrence, and the bill was given its first reading; Committee Amendment "A" was read and adopted in concurrence, and the bill was tomorrow assigned for second reading.

The Committee on Appropriations and Financial Affairs on Bill "An Act Relating to the Deposit of Bonds, Notes, etc., of the United States of America," (H. P. 408) (L. D. 163) reported that the same ought to pass.

The same Committee on Bill "An Act to Increase the State Contingent Account," (H. P. 405) (L. D. 161) reported that the same ought to pass.

The Committee on Inland Fisheries and Game on Bill "An Act Relative to Castine Game Preserve," (H. P. 510) (L. D. 246) reported that the same ought to pass.

The same Committee on "Resolve in Favor of John H. Perkins of Brunswick," (H. P. 507) (L. D. 248) reported that the same ought to pass.

The Committee on Judiciary on "Resolve Authorizing Kennebec Towing Company to Bring Suit at Law Against the State of Maine," (H. P. 331) (L. D. 146) reported that the same ought to pass.

The same Committee on Bill "An Act to Confer Jurisdiction upon the United States District Court of Maine," (H. P. 327) (L. D. 110) reported that the same ought to pass.

The Committee on Public Utilities on Bill "An Act to Authorize Penobscot County Water Company to Supply the Inhabitants of the Town of Eddington with Water for Domestic and Other Purposes," (H.

P. 439) (L. D. 193) reported that the same ought to pass.

Which reports were severally read and accepted in concurrence, the bills and resolves read once and tomorrow assigned for second reading.

The Committee on Judiciary on Bill "An Act Relating to Outdoor Advertising," (H. P. 325) (L. D. 105) reported that the same ought to pass as amended by Committee Amendment "A."

Which report was read and accepted in concurrence and the bill was given its first reading; Committee Amendment A was read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

The same Committee on Bill "An Act Relating to the Redemption of United States Bonds and Certificates Issued in the Name of Minors" (H. P. 520) (L. D. 254) reported that the same ought to pass as amended by Committee Amendment A.

Which report was read and accepted in concurrence and the bill was given its second reading.

Thereupon, on motion by Mr. Dow of Oxford, the bill was laid upon the table pending assignment for second reading.

The Committee on Legal Affairs on Bill "An Act Relating to the Chief Engineer and Assistant of the City of Lewiston," (H. P. 428) (L. D. 236) reported that the same ought to pass as amended by Committee Amendment A.

On motion by Mr. Hopkins of Kennebec, the bill was laid upon the table pending acceptance of the report in concurrence.

The Committee on Public Health on Bill "An Act Relating to Terminology on Certification for the Practice of Chiropractic," (H. P. 156) (L. D. 53) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act Relating to the Educational Requirements for Chiropractic Qualifications," (H. P. 155) (L. D. 52) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Salaries and Fees on Bill "An Act Increasing the Salaries of the Members of the Industrial Accident Commission," (H. P. 20) (L. D. 9) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and accepted in concurrence and the bills were given a first reading; Committee Amendments "A" were severally read and adopted in concurrence, and the bills as so amended were tomorrow assigned for second reading.

Referred to Committees

The following bills were received and on recommendation by the Committee on Reference of Bills, were referred to the following committees:

Aeronautics

Mr. Noyes of Hancock presented Bill "An Act Relating to Intrastate Air Commerce." (S. P. 369)

(Ordered printed.)

Sent down for concurrence.

Judiciary

Mr. Dow of Oxford presented Bill "An Act to Correct Typographical and Clerical Errors in the Revision." (S. P. 370)

(Ordered printed.)

Sent down for concurrence.

Legal Affairs

Mr. Currier of Androscoggin presented Bill "An Act Relating to Operation and Use of Slot Machines." (S. P. 371)

The same Senator presented Bill "An Act Permitting Religious, Charitable, Fraternal or Benevolent Societies or Associations to Operate Lotteries." (S. P. 372)

(Ordered printed.)

Sent down for concurrence.

Ways and Bridges

Mr. Howes of Penobscot presented Bill "An Act Relating to Farm to Market Roads." (S. P. 373)

(Three thousand copies ordered printed.)

Sent down for concurrence.

First Reading of a Printed Bill

Bill "An Act Relating to the Hunting and Trapping of Foxes." (S. P. 362) (L. D. 902)

Which bill was read once, and tomorrow assigned for second reading.

Senate Committee Reports

Mr. Smith from the Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Recorder of the Piscataquis Municipal Court," (S. P. 166) (L. D. 369) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to the Salaries of Clerks in the Offices of Register of Deeds, Register of Probate and Clerk of Courts in Piscataquis County," (S. P. 158) (L. D. 362) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to the Salary of the Register of Probate of Piscataquis County," (S. P. 165) (L. D. 368) reported that the same ought to pass.

Mr. Cleaves from the same Committee on Bill "An Act Relating to the Salary for Clerks in the Office of Register of Probate in Washington County," (S. P. 82) (L. D. 76) reported that the same ought to pass.

Mr. Cleaves from the same Committee on Bill "An Act Relating to the Salary of the Judge of Probate in Washington County," (S. P. 81) (L. D. 75) reported that the same ought to pass.

Which reports were severally read and accepted, the bills read once, and tomorrow assigned for second reading.

Passed to be Engrossed

Bill "An Act Relating to the University of Maine." (S. P. 75) (L. D. 70)

(On motion by Mr. Washburn of Washington, tabled pending passage to be engrossed.)

Bill "An Act Amending the Charter of the Preachers' Aid Society of the Maine Conference of the Methodist Church." (S. P. 177) (L. D. 385)

Bill "An Act Relating to the Organization of Plantations." (S. P. 179) (L. D. 383)

Bill "An Act to Amend the Charter of Lincoln Academy." (S. P. 143) (L. D. 349)

Which bills were severally read a second time and passed to be engrossed.

Sent down for concurrence.

Orders of the Day

The President laid before the Senate House Report from the

Committee on Federal Relations "Ought to be Adopted" on Memorial to the Congress of the United States Relating to National Service Legislation" (H. P. 318) (L. D. 114) tabled by the Senator from Aroostook, Senator Brown, on February 16 pending motion of the Senator from Washington, Senator Washburn, that the Senate reconsider its former non-concurrent action, taken on February 15 whereby the report of the Committee was not accepted.

Mr. BROWN of Aroostook: Mr. President, I am going to make my argument on the merits of the Memorial itself rather than on the motion to reconsider.

This is a matter which is of interest to all the people of the United States and to all the people of the State of Maine. Some people have raised the point that it is none of our business to interfere with a matter which is before the Congress of the United States, that our sole duty here is to legislate for the State of Maine and that we should not be addressing Memorials to the Congress. I beg leave to differ with that line of argument because it is the duty of every citizen of the United States and the duty of every citizen of the State of Maine to take an interest in the affairs of government, both of the State and at Washington. It is not only our duty, it is our privilege. Our government is not at present a totalitarian form of government. The right to petition and the right of remonstrance are granted in our Constitution. We owe certain duties to our state and to our nation as citizens, and our duties as citizens under our republican form of government are greater than those of the citizens of a totalitarian state.

In a totalitarian state the only duty of its citizens is to obey orders. In a republic such as ours it is our duty to maintain and defend the rights of citizens at all times, to see that those rights are not infringed upon, and as George Washington said, "Eternal vigilance is the price of liberty." The Constitution of the United States gives to the legislatures of all the states certain rights and powers beyond those merely representative of the people of their state. Originally, the legislatures of the states had

the right to elect United States Senators without interference from, and many times without consulting, the wishes of the people themselves.

The Constitution of the United States also provides for amendments to the Constitution by the legislatures of the states. Congress may propose and pass a constitutional amendment and then it must be ratified by a two-thirds vote of the legislatures of the states. It is by the Constitution that we have that right and duty. Beyond that we have a right to initiate changes in the Constitution of the United States and when two-thirds of the legislatures of the various states have petitioned Congress for a change or amendment to the Constitution, then Congress must submit the Constitutional amendment to the people. Therefore I say to those people who say that we have no right or privilege to interfere with Congress, that we have a right, we have a privilege and beyond that we have a duty.

Even King George of England gave to the colonies the right to petition and remonstrate. It may have gone into the wastebasket most of the time and it may in this case but nevertheless we have accepted our duty and accepted the gracious privilege of the right to petition Congress.

I am not going to argue on the constitutionality of this particular bill, because what is a constitution among New Dealers? President Roosevelt himself, during his first term of office when he was seeking more power and when Congress was considering the Wagner Labor Act and the question of its constitutionality was raised, instructed his leaders to disregard any question of constitutionality and to pass the bill.

Now, this May Bill is another case where the President of the United States is demanding the passage of a bill that affects every citizen of the United States and which is, I believe, a violation of the Constitution; but I am not going to argue that. A particular thing occurs to me just now. I have at home a copy of the first campaign literature ever issued by the Republican party, which was in 1854 when Fremont was a candidate for President and in that literature there were pictures of the presidential candidates and a list of the slave and free states. And in Fremont's speech of acceptance of the nomina-

tion he accused the Democrats of violating the Constitution. Peculiar, wasn't it?

This Act now before Congress has for its purpose the domination of the civilian population of the United States by the army, the right to take people out of their jobs and place them wherever they see fit. It is a device which by executive decree or by autocratic order would violate the rights and privileges of the people of the United States. It is nothing new. Let us go back to the beginning of the President's new bill.

Professor Tugwell, who, as you know, was one of those college brain trusters who was assistant to Henry Wallace and a household guest of the White House and advisor of the Administration, in a speech before the Institute of American Economics said: "Planning will necessarily become a function of the Federal Government, either that or the planning agencies will supercede the Government. Business will logically be required to disappear. This is not an over statement for the sake of emphasis, it is literally meant. The essence of business is free venture profits in an unregulated economy. Planning implies guidance in capital uses, adjustment of production to consumption. New industries will not just happen as the automobile industry did, they will have to be foreseen, to be arranged for, to be foreseen to be a desirable feature of the whole economy before they can be entered upon. The future is becoming visible in Russia. Perhaps our statesmen will give way or be more or less gently removed. Perhaps our Constitutions and States will be revised. Perhaps our vested interests will submit to control without too violent resistance. Yet the new kind of economic machinery we have in prospect cannot function in our present economy."

And here, I maintain, was laid the foundation of the philosophy which has seen its culmination in the Act before Congress today which enforces on the civilian population of the United States the necessity of working anywhere, at any time and in any place the government of the United States may see fit to place them.

Now, the forcible drafting of the civilian population was first proposed by Eleanor in her column "My

Day," shortly after Pearl Harbor in which she wrote: "All of us men and women at home should be drafted and told what jobs we can do. The only way I can see to get the maximum service is to draft us all and tell us where we can be most useful and where our work is needed."

This was taken up by Harry Hopkins, the man behind the scene who lived at the White House for years as personal representative of the President and who has been sent on various missions to the various capitols of the world and has been the power behind the throne, I don't know to what extent, and Mr. Harry Hopkins says:

"No American, anywhere, not in the war effort, should be allowed to decide for himself how much he will do or how much he will give," Hopkins wrote. "Women who cannot work in factories and shops will perform such essential tasks as caring for children whose mothers are working in munitions plants. Workers will have to be billeted in homes and many a social leader will become a boarding house keeper. Doctors and dentists will go to communities where they are most needed. Some students will quit high school. I see no reason for wasting time on non-essentials such as Chaucer and Latin. A diploma can only be framed and hung on the wall."

In commanding tones he wrote: "It does mean you and it won't blow over."

There I claim is the foundation which was laid for the present bill in Congress: compelling citizens to work in involuntary servitude whether they wish to or not, because it forces the labor of a man for another person or corporation regardless of whether or not he wishes to and that is involuntary servitude; and our forefathers fought for four years on the bloody battlefields of the south and out of that struggle came the 13th amendment which abolished involuntary servitude in the United States, we hope, forever.

Now, another thing. Is this manpower draft needed? I maintain it is not and even if it is, then I believe that the President of the United States has been given powers which far exceed any powers given to any President before, powers which very closely resemble those given to Stalin and Mussolini and

Hitler. And if this manpower draft is needed then I say that the President of the United States has fallen down on the job and this bill is to cover up and try to mend the mistakes that he has made in his mis-handling of labor in the United States.

Another problem which is confronting us here is whether or not if this bill should be passed and a man taken out of his home and ordered to go to work in a factory, whether or not he must join a labor union and pay dues for the privilege of working for the United States government. Congress refused to put into that bill an amendment which said that membership in a labor union should not be required for a person working under those conditions and I wish to read an article from the Saturday Evening Post bearing on this subject: "One of the most fascinating stories of the manpower crisis appeared some weeks ago in the Daily Sentinel of Fairmont, Minnesota. According to a front-page story in that Journal, a representative of the War Manpower Commission came to Fairmont to persuade people to take jobs at the Gopher Ordnance Works at Rosemount, Minnesota. The WMC man put an advertisement in the local newspaper and waited for results. One of same was from Walter Bray, a workman possessing some of the skills mentioned in the advertisement, who went to Rosemount to apply for a job. He has a son in the Navy and wanted to help the war effort. The rest of the story is in the daily Sentinel:

'Do you have a union card?'

'No.'

'Sorry but you'll have to have one before your application can be considered.'

'What will it cost me to join the union?'

'It will cost you \$150 with dues thereafter at \$3 a month.'

'Will I have to pay it all at once?'

'If the union will accept you, arrangements can probably be made to pay by installments.'

'How long will the job last?'

'Anywhere from two to seven months.'

Mr. Bray, eager to help the war effort, was not interested beyond that point."

And that thing is happening to thousands of people in our country. I have known men to come down

from Aroostook, eager to work in the shipyards and the first thing they had to do was join a union, and many of them refused to do it.

Now, reading further from the same article: "Before hollering our heads off in favor of a universal service law, we should like to ask two questions:

"To what extent is the present shortage of war workers due to episodes like this, plus the effect of union restrictions on the men already working, plus wasteful use of manpower by employers who have 'cost plus' contracts with the government?

"If the government should hire Mr. Bray and half a million others like him to work in war plants, will he still be required to pay \$150 for the privilege of helping his country?"

Now, I maintain that the handling of labor situation from beginning to end has been a disgrace to this country and only possible because of the disgraceful political alliance between the government and labor unions. The National Labor Relations Board has reported that the unions are using the strike ballot to force government agencies to rule favorably for them. It also reported that in more than 200 notices of intention to strike, 71% of the unions said they didn't care whether the strike interrupted war production or not. That is the report of the National Labor Relations Board.

The slow-down in union shops is illustrated in the case of one of the tire companies at Akron, Ohio where it was shown that the amount of work a man was allowed to do in a day was so small that he could accomplish it in four or five hours and then spend the rest of the day loafing. We know that welders in shipyards and other war workers are limited as to the amount of work they can do. The work is laid out for them and they work a few hours and loaf the rest of the day. How much of our manpower shortage is due to these things?

Then we have James Mead, now a Congressman, formerly a union official, who took a little sneak on his own down to the Norfolk Navy Yard. They didn't know he was coming and didn't have time to send around men to tell the workers he was coming, and he found skilled workers there working at making checkerboards and other

things for officers, all on government time. There is no doubt that 75% of the factories working today on the war effort—and this applies also to Army and Navy factories—are anywhere from 25% to 50% over-manned. If you will talk with anybody working in any defense plant they will tell you that there are more men standing around than they know what to do with. So I say there is no shortage of manpower if it is correctly handled.

I might go on this line for hours but I know you don't want to listen. I feel, as I have already stated, that it is not merely the privilege but also the duty of the people of the state of Maine, or of any state in the union, to remonstrate to Washington on any proposed legislation which they do not like. I don't know as it is going to do any particular good in this case because I think this particular bill now before Congress is out of the window and I think there is no question that it will not be passed but I still think we have the right to express ourselves in this Memorial and I hope the rest of you Senators will agree with me.

Mr. DUNBAR of Washington: Mr. President and members of the Senate, as Chairman of the Committee on Federal Relations which reported out unanimously that we should memorialize Congress on the so-called May-Bailey bill that was then, and is now, pending before Congress, I feel that I should make a few remarks as to why I, at least, support the Memorial, and I am supporting it now, and hope that the motion of the Senator from Arcostock, Senator Brown will prevail.

I likewise agree with him that as I listen in the halls of this state-house to remarks in regard to this particular measure by men saying to me, "What's the use to memorialize Congress; they won't pay any attention to it anyway." I don't answer, but I do look at them in amazement because that is the policy of the New Deal. If they can soften us up sufficiently that we will give up, that we will make no effort and no move to say anything to Congress or our Congressman, then they have won one-half of their battle and then you can get ready for a totalitarian state and a dictatorship. It can happen to us in this country just as easily as it

happened to the countries of Europe.

We are guaranteed under the Constitution the right to petition, the right to memorialize. A Congress that is a Congress would welcome it. To memorialize Congress is no different, Senators, than for us to receive petitions from back home, petitions to us from the citizens that are memorializing us to support this bill or oppose that bill. That is their advice. That is their way of memorializing us.

Now, as a legislative body our method of petitioning is to send a memorial to the Congress which has to be passed by both branches of the legislature. I, too, would be false to my oath that I took in this Senate on the third day of January of this year if I didn't support this measure, and I sometimes wonder if we do really think what the oath is that we are taking and subscribing to when we stand up and say that we will support the Constitution of the United States and of this state so long as we shall continue a citizen thereof.

Now, if we believe that bill which is pending before Congress is unconstitutional it is our duty under our oath to stand up and say so and to memorialize Congress as to how we feel about it. I do not pretend to be a constitutional lawyer but I do believe firmly, from the bottom of my heart, that the May-Bailey bill is unconstitutional and if it is ever passed and if you get a fair vote from the New Deal Supreme Court it would be declared unconstitutional.

Now, what part of the Constitution does the May-Bailey bill violate? I say it is the thirteenth amendment to the Constitution: and do you know how that happened to be passed? Many of you do because you are better educated and better trained men than I. But, if you remember, immediately following the battle of Gettysburg in July, 1863, Lincoln made a proclamation, a presidential proclamation, that all slaves were free and so far as he was concerned involuntary servitude in the United States ended at that time.

Many people felt that the proclamation as enunciated by the President was not sufficient and in February of 1865 an amendment to the Constitution was sent out from the Congress of the United States to the states and was finally adopted, and was declared to be the

fundamental law of the country in December, 1865, when twenty-seven out of the thirty-six states adopted it. It is here in your Revised Statutes that you have before you, on page 13, and let me read it to you. "Neither slavery nor involuntary servitude—" and let those words, please, sink in — "nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to its jurisdiction."

Now, if, under the May-Bailey bill, you take men and women out of their private homes, which you could do, out of working in the places where they are working and say to them, "No, we don't want you working on a farm in Aroostook County; we can do better with you to put you in an iron foundry down in Birmingham, Alabama; that is where you belong and that is where you are going and when you get down there we are going to say to you, 'Yes, you are going to join a union whether you like it or not and you are going to work the hours we pay you to work and you are going to work where you are put to work.'" then I say that I never expected that the President of the United States of America would ever go quite that far.

He might say to your wife, "No, you are not doing sufficient work so far as the war effort is concerned by remaining in your home; we sent your husband to Alabama, we can make better use of you on the assembly line in California and that is where you are going."

Does that sound to your mind, call to your mind, anything as to what Mr. Hitler has been doing in Germany? Does it? Does it sound of Fascism? Does it? Our boys are over in Europe today dying at this moment that this country of ours may remain a democracy and remain free. And we here on the home front can lose the fight for them and lose our democracy here, if you want to be softened up sufficiently so that you will say, "What can we do about it; let them run it."

They say, "Let our Congressmen vote." I think our Congressmen, and I know the Congressman from the third district at least, would welcome a Memorial from this representative body of ours, the legislature of the state of Maine. And under this May-Bailey bill, if you don't work — jail. Is it unconstitu-

tional? Is it involuntary servitude? Of course you know it is. And any senator — I don't care who you are — who votes against this Memorial is voting away your personal liberties and the personal liberties of your friends and neighbors. You are softened up. You are ready to take the count.

And don't feel that you may not get the final knockout blow, because you have gone a long way from 1933 to 1945 so far as losing your rights as to your democratic way of life.

Yes, we should memorialize Congress. We should keep on memorializing Congress, today, tomorrow, and next week if necessary, and let them know in Congress that we are watching them, that we know what kind of legislation they are introducing and what kind of legislation they are attempting to pass. Let us voice our sentiments as to how we feel about it.

I have already, perhaps, taken a little too long. Your minds are probably already made up. But before I close I would like to read to you—I want to see it in the records for all times—a report of a newspaper statement by Congressman Fellows from the Third District as it appeared in Elizabeth May Craig's column in the Portland Press Herald under date of February 12, 1945, —and what a significant thing, February 12, 1945; February 12, the day of the anniversary of the birth of the Great Emancipator, Lincoln, who is responsible for the thirteenth amendment that we have here now under consideration. Mr. Fellows said:

"If I thought the passage of this work or go to jail bill would shorten the war one day or save the life of one man, I would vote for it. I believe, however, that it will do neither and will have the opposite effect. Constitutional discussions are of no particular interest to many people today, but it is still the basic law of our land, and we take an oath to support it.

"If, by act of Congress, you can draft a select few and force them, under penalty of five years in jail, to work in private employment for profit of a civilian employer (which I do not believe), the obligation should be universal, and apply to all men and women alike.

"The shortage of men and women in defense industry has been variously estimated from 70,000 to 700,000. The Government need only

to release one in five to satisfy the largest estimate. Slave labor in private employment has never before been attempted, so far as I know, in this country. With all the bungling of manpower, our production with free labor and free enterprise, has been the miracle of the age. Production in this land has far exceeded, per man, that of any other country where slave labor has been imposed, including Great Britain."

And in Great Britain, some people may say, "They have it there; why not here?" Let me say to you that Great Britain does not have a Constitution; they are not under a constitutional form of government such as we have here in this country.

"This bill is not an anti-strike measure. Honorably discharged veterans returning from this war are subject to this legislation and its penalties, no matter how long or honorably they served.

"There are so many specific objections to this bill as a piece of legislation that they are too numerous even to mention. No man can know what his rights are under it. We cannot legislate, in my judgment, loyalty, patriotism or morality."

That comes from Congressman Fellows and it speaks volumes. You vote as you see fit, and you will, on this Memorial, but I stand here, not the same kind of man, Senators, not the same type of man but voicing what Patrick Henry was voicing, in the assembly in which he spoke in the State of Virginia when people were saying about him, "What's the use of saying anything, the King can do no wrong," when he gave to us the words that have gone down through the ages and that every school boy and girl can repeat at heart as I shall in my final closing: "I care not what course others may take, but as for me, give me liberty or give me death."

Mr. SPEAR of Cumberland: Mr. President, I move that when the vote is taken, it be taken by division.

Mr. DOW of Oxford: Mr. President and members of the Senate, I have an idea that each member of this Body has already made up his mind as to how he is going to vote on this measure. I haven't any idea that anything I could say would change your mind, and I don't want to, but for the purpose of the record, I want to say that I

object to the provisions of the May-Bailey bill or any other legislation like the May-Bailey bill. I also object to this Memorial as my means of expressing my objections. I merely make these remarks so that when my vote is taken anyone who wants to check may know how I feel.

Mr. GOOD of Aroostook: Mr. President, I find myself in a very embarrassing position at this time inasmuch as my brother from Aroostook County happens to be on the opposite side of this question from me. Nevertheless, I am not in favor of a Memorial to Congress. For one reason, if this were a bill that affected only the state of Maine, I would be much in favor of memorializing Congress letting them know how the citizens of Maine feel. But as this is a bill before the Congress in Washington, I feel that our Senators and Representatives to Congress from the state of Maine are well qualified to take care of the situation there.

If we pass this Memorial it will be so nearly divided fifty-fifty that it will be just a toss-up which way it might go and we will convey to Congress that the whole state of Maine wants to memorialize Congress on this issue which is before us.

There has been a lot said this morning here about taking our constitutional rights away from us. In the first place, the labor unions are opposed to the bill before Congress, the CIO especially. That is one reason why I am in favor of the passage of some kind of legislation to make men fight. It has already been said here that the liberty of our people will go if this bill is passed. I just read here a moment ago that this work or fight bill is as dead as Lazarus. I suppose that might be so.

Now the state of Maine without any doubt has a finger on the pulse of the condition. We probably furnished as many men according to our population, to the war, as any state, and the United States government when it needed men was not reluctant to come into our homes and tell us they wanted our boys. They took our boys. It didn't make any difference how badly we needed them here.

Now, some of our boys at home are unscrupulous, or careless, or indifferent. They are not concerned,

apparently, whether the war goes on or whether it is won or lost and they won't work and will do just as they want to, and at the same time our boys on Saipan and Tarawa and all those different islands have fought and died in order that we might have liberty and that they might get back home again, that the flow of material they need may go on. Yet we have hundreds of men saying, "I will work whenever I want to."

I went out and tried to hire men that the draft board turned down because they weren't physically fit to go, and they said, "I don't care to work; I have all the money I need; let your potatoes and corn freeze in the ground."

I am not in favor of taking our constitutional rights away but I am in favor of making men work who won't work and haven't the cause at heart. I am in favor of making them work whether it takes a work or fight bill, or whatever it may take. I am not in favor of a jail bill because a man in jail can't do anything. I am in favor of a bill to work or fight and if a man won't work let him fight. And I say that the boys at home have just as much duty to work as the boys over on those islands fighting for freedom and liberty.

There has been a lot said this morning about our constitutional rights and that we are getting into slavery, or thus and so. I don't think we have reached that point yet. I believe the people of the United States of America know pretty nearly where we stand, and in my opinion if the war wasn't

on today they would tell Congress and the President what they wanted.

The reason we are so reluctant and so careful about what move we make is that we don't want to retard the war; we want the boys to come home. Therefore I am opposed to this Memorial because the state of Maine is asking Congress to do something that affects all of the United States. Therefore when I vote I am going to vote against it.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Brown that the Senate reconsider its former action whereby the report of the committee on this Memorial "Ought to be Adopted" failed of acceptance. A division of the Senate has been asked. Those in favor of the motion of the Senator from Aroostook, Senator Brown, that the Senate reconsider its former action, will rise and stand in their places until counted.

A division of the Senate was had.

Fifteen having voted in the affirmative and fourteen opposed, the motion to reconsider prevailed.

Thereupon, on motion by Mr. Dunbar of Washington, the "Ought to be Adopted" report of the committee was accepted in concurrence; and on further motion by the same Senator, the Memorial was adopted in concurrence.

On motion by Mr. Batchelder of York

Adjourned until tomorrow morning at ten o'clock.