

Seventy-Sixth Congress

Jan. 3, 1939 – Jan. 3, 1941

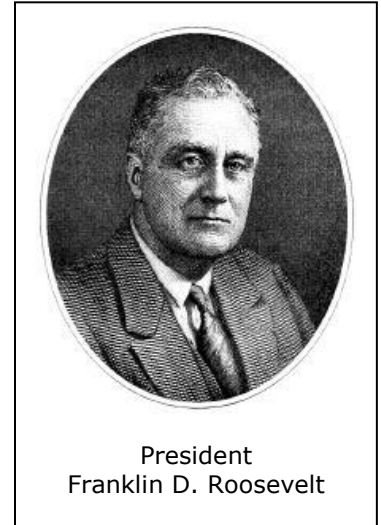
Second Administration of Franklin D. Roosevelt

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Historical Background

The incipient economic recovery experienced by the country during President Franklin D. Roosevelt’s first term all but evaporated as a result of the Recession of 1937-1938. This recession, in effect a pronounced period of economic contraction that occurred during the Great Depression, emboldened opponents of the New Deal in the Republican Party, as well as more conservative members of Roosevelt’s own Democratic Party. Viewed as a referendum on the New Deal, the midterm Congressional elections of 1938 were unquestionably a blow to the President’s economic program. Though maintaining their majorities in both houses, the Democrats lost seven Senate seats and 72 in the House of Representatives. More importantly, President Roosevelt lost the near blanket support he had enjoyed in the Congress during his first five years in office.

The major issue facing the 76th Congress and the second Roosevelt Administration was the outbreak of war in Europe and east Asia. Though an interventionist by temperament who saw America’s future as an active participant in global, intergovernmental organizations like the League of Nations, and the future United Nations, Roosevelt recognized the strong tendency toward isolationism in the country, particularly after the country’s participation in World War I. Many progressives Republicans, whom Roosevelt needed for their support of his ambitious domestic social programs, were also committed isolationists. When, in September 1939, war officially broke out in central and western Europe, Americans were still broadly isolationist in their view of American involvement in European affairs. Be that as it may, some 80% supported Britain and France over Germany in the conflict. Recognizing that the terms of the Neutrality Act prevented him from providing any support to Britain or France, Roosevelt called for a special session of Congress to revise the law. Overcoming the fierce opposition of isolationists, including the aviator Charles Lindbergh,



House	Senate
Majority Party: Democrat (262 seats)	Majority Party: Democrat (69 seats)
Minority Party: Republican (169 seats)	Minority Party: Republican (23 seats)
Other Parties: American Labor (1 seat), Farm-Labor (1 seat), Progressive (2 seats)	Other Parties: Farm-Labor (2 seats), Independent (1 seat), Progressive (1 seat)
Speaker of the House: Samuel T. Rayburn	Majority Leader: Alben W. Barkley

Roosevelt persuaded the Congress to enact the Neutrality Act of 1939, which repealed the arms embargo clause of the Neutrality Act, allowing for the sale of arms to belligerent states provided they pay cash and transport the material with their own ships. All the same, President Roosevelt would find even the loosened restrictions of the 1939 Act difficult to respect. In September 1940, the President entered into the so-called Destroyers for Bases Agreement with Great Britain. Under the terms of the agreement, the United States transferred 50 twelve hundred-ton type destroyers to the Royal Navy in exchange for the right to establish naval bases on seven British territories from Newfoundland to Guam. Finally, in September 1940, Congress approved the Selective Training and Service Act of 1940, which implemented the first peace-time draft in U.S. history.

Aside from the looming conflagration unfolding in Europe and east Asia, the Congress moved to address a lingering dispute with President Roosevelt over the prerogative for reorganizing the executive branch. Early in his first term, Congress enacted the Economy Act of 1933, which granted the President limited authority to reorganize the Federal bureaucracy to help achieve economic recovery. However, the authority granted by the 1933 Act expired after two years and the President neglected to take advantage of this provision during this time frame. Roosevelt sought to renew this authority with a reorganization bill during the 75th Congress, however this bill was caught in the controversy over Roosevelt's court-packing scheme and ultimately defeated. Reintroduced in the 76th Congress, the Reorganization Act of 1939 was enacted that April. The 1939 Act was to be the first in a series of Administrative Reorganization Acts. Beginning with the 1939 Act, the Administrative Reorganization Acts constituted an effort to formally articulate a plan for organizing the Federal bureaucracy to maximize efficiency and eliminate waste and redundancies.

Responding to widespread allegations that Democratic Party operatives used employees of the Works Progress Administration to support Democratic candidates in the 1938 Congressional elections, Congress enacted the Federal Employees Political Activities Act of 1939, also known as the Hatch Act. The Hatch Act prohibits any employee of the executive branch, save those actively engaged in policymaking whose appointments received Senate approval, from taking any active part in political campaigns.

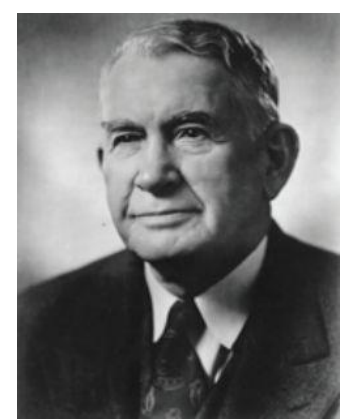
Other major legislative initiatives approved during the 76th Congress include the Social Security Amendments of 1939, which altered the method for calculating old age benefits and increased the maximum benefit for each aged or blind retiree, and the Alien Registration Act, 1940, which required all foreigners entering the United States to register and be fingerprinted, and prohibited membership in organizations that advocate the violent overthrow of the United States government.

Source:

Dell, Christopher and Stephen W. Stathis. [Major Acts of Congress and Treaties Approved by the Senate, 1789-1980](#). Government Division (CRS), Sept. 1, 1982. 97th Congress, 2nd Session, 82-156 GOV. ProQuest Congressional, CRS-1982-GOV-0005



Speaker of the House
Samuel T. Rayburn



Senate Majority Leader
Alben W. Barkley

War or Peace?

World War II

Though speculation about the outbreak of war in Europe had long since moved from the question of if, to the question of when, the world was caught off guard when the governments of Nazi Germany and the Soviet Union announced the German-Soviet Non-Aggression Pact in August 1939. The Pact included written guarantees of non-belligerence between the two states, as well as secret plans for the division of Polish and other territory into German and Soviet spheres of influence subsequent to the imminent joint invasion of that country. As Hitler was plotting the plundering of much of central and eastern Europe with Stalin, the German Senate voted to annex the League of Nations-administered Free City of Danzig, thereby raising the specter of a Franco-British invasion to protect the sovereignty of their Polish treaty partners. The Danzig Crisis became the Second World War when, on September 1, the German battleship *Schleswig-Holstein* began shelling the city of Danzig, while the *Luftwaffe* launched bombing raids on Warsaw and other Polish cities. The British and French governments issued a joint ultimatum the following day, demanding that Germany immediately evacuate its forces from Polish territory. When the German government failed to respond to their demands, Britain and France declared war on Germany on September 3. The situation darkened throughout 1940, with the German military invading the Benelux countries (Belgium, the Netherlands, and Luxembourg) in early May, in preparation for the invasion of France. That invasion began May 12, as the Germans bypassed the Maginot Line, crossing the Meuse River, near Sedan. By the end of June, Paris was occupied by the Germans and the German-allied French puppet state was organized with its capital at Vichy. Finally, in August, the grueling campaign of aerial bombardment of the Battle of Britain began.

Although the U.S. remained neutral at the outbreak of the Second World War in September 1939, the Roosevelt administration and sympathetic members of Congress began making moves to support nations fighting against the Axis powers in Europe, especially Great Britain. The amendment of the Neutrality Act in 1939 eased restrictions on foreign purchase of military material from U.S. manufacturers, and the U.S.-U.K. agreement in September of 1940 gave the Royal Navy badly needed escort ships for Atlantic convoys. In exchange, the United States received the right to lease naval and air bases.

The U.S. also began its defensive buildup. During the first session of the 76th Congress the President requested a \$525,000,000 War Department appropriation for 1940; almost \$40 million more than the prior year. After a year of new and supplemental appropriations, and the creation of a number of new emergency defense measures, total defense spending skyrocketed to a previously unheard of \$2 billion. These and subsequent appropriations continued to increase as the war effort gained momentum with each imploration from the President. On December 29, 1940, President Roosevelt delivered his famous "Arsenal of Democracy" address in a radio broadcast, imploring American manufacturers to convert their factories to help fulfill

America's promise to provide aid to the Allies.

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Economic Trends and Conditions

In his address to the first session of the 76th Congress on January 4th, 1939, President Franklin Roosevelt spoke of “undeclared wars – military and economic.” After a long struggle to climb out of the Great Depression, the United States now had to contend with the trade interruptions caused by the war in Europe and Africa. The country also faced the grim reality of preparing to defend itself in the escalating world war. To grapple with this challenge, the President set an ambitious goal for the nation: to achieve a total national income of at least \$80 billion per year. The previous year had only produced \$60 billion. To bolster the effort, the President proposed extensions for a number of depression era programs in order to speed up production and employment, and further investment of capital to increase economic output. Meanwhile, a government restructuring effort would be put in place to increase bureaucratic efficiency and cut waste.

When the war officially broke out toward the end of 1939, Roosevelt laid out plans for a military buildup and Congress passed laws to increase stockpiling, repeal certain labor restrictions, and increase enlistment. Production began to rise dramatically in the U.S., the workforce increased, and appropriations started to climb to new heights. Two revenue bills were passed in 1940 alone. Industrial conversion began in 1940 to ensure military production came first. This created a slow but steady decrease in the availability of consumer goods that would contribute to war-time inflation and rationing in the following congresses.

Source:

Roosevelt, Franklin D. [*Address of the President of the United States Delivered Before a Joint Session of the Two Houses of Congress January 4, 1939 \[...\].*](#) Committee of the Whole House. House. Jan. 4, 1939. 76th Congress, 1st Session, H.doc.1. ProQuest Congressional, 10348 H.doc.1

Landmark U.S. Supreme Court Decisions

Graves v. O'Keefe, holding that there is no Constitutional requirement or justification for the then accepted practice of immunity from Federal taxes for State employees and immunity from State taxes of Federal employees, 306 U.S. 466 (1930)

United States v. Miller, upheld restrictions on the civilian possession of certain firearms imposed by the National Firearms Act, 307 U.S. 174 (1939)

Coleman v. Miller, holding that if Congress, in presenting an amendment to the Constitution to the State legislatures, does not include an explicit deadline for ratification, then the proposed amendment remains open before the legislatures. The court ruled that the question of timeliness of ratification is a political one and therefore only the Congress can decide if and when too much time has elapsed since Congressional approval of the amendment, 307 U.S. 433 (1939)

Hague v. Committee for Industrial Organization (CIO), holding that a New Jersey mayor's use of a city ordinance to prevent the CIO from distributing literature and organizing labor meetings violated the First Amendment's protection of political speech, 307 U.S. 496 (1939)

Thornhill v. Alabama, holding that an Alabama statute that prohibited labor picketing yet imposed no restrictions on other types of picketing violated the Constitution's protection of political speech, 310 U.S. 88 (1940)

Cantwell v. Connecticut, holding that state and local authorities could not impose restrictions on the free exercise of religious practice—specifically requiring licenses for those engaged in religious proselytizing, 310 U.S. 269 (1940)

Minersville School District v. Gobitis, holding that public school students could be compelled to salute the American flag and recite the Pledge of Allegiance despite objections rooted in their faith as Jehovah's Witnesses, 310 U.S. 586 (1940), overturned by the Court's decision in *West Virginia State Board of Education v. Barnette*, 310 U.S. 624 (1943)

Source:

Costello. George A. and Johnny H. Killian. [*Constitution of the United States of America. Analysis and Interpretation.*](#) Senate, Jan. 1, 1996. 103rd Congress, 1st Session, S.doc.6. ProQuest Congressional, 14152 S.doc.6

1939 Events

- **Jan. 26:** *Spanish Civil War* - [Spanish Nationalist forces under General Franco capture Barcelona](#)
- **Feb. 2:** [Hungary joins the Anti-Comintern Pact](#)
- **March:** The 1936–1939 Arab revolt in Palestine ends
- **Mar. 6–28:** *Spanish Civil War* - [Republican government of Spain collapses after military coup and surrenders unconditionally to Nationalists, ending the Spanish Civil War](#)
- **Mar. 14:** *Nazi Germany* - [The Slovak provincial assembly proclaims independence from Czechoslovakia and allies itself with Nazi Germany](#)
- **Mar. 15:** *Nazi Germany* - [German forces occupy and annex Bohemia and Moravia; Ukraine occupies and annexes Carpatho-Ukraine \(Ruthenia\); Czechoslovakia ceases to exist](#)
- **Mar. 20:** President Roosevelt recalls the U.S. ambassador from Germany
- **Mar. 22:** *Nazi Germany* - [After the ultimatum of March 20, Nazi Germany annexes Memelland from Lithuania](#)
- **Apr. 1:** *Spanish Civil War* - [The Spanish Civil War comes to an end when the last of the Republican forces surrender; Dictator Francisco Franco assumes power](#)
- **Apr. 6:** *Nazi Germany* - [Anglo-French Mutual Aid Agreement with Poland is signed, promising military aid to Poland in the event of a German attack](#)
- **Apr. 7:** [Italian invasion of Albania; Spain joins the Anti-Comintern Pact](#)
- **Apr. 26:** [The traditionally decennial White House Conference on Children and Youth is held in Washington, D.C. The 1939 conference was titled, "Conference on Children in a Democracy"](#)
- **Apr. 28:** *Nazi Germany* - Hitler renounces the Anglo-German Naval Treaty of 1935 restricting German naval size, and the German-Polish Non-Aggression Pact of 1934
- **May 22:** *Nazi Germany* - [Germany and Italy formalize military alliance](#)
- **June 14:** [Japanese Blockade of Tianjin, a British treaty port, begins](#)
- **July 25:** [Final ratification of the Panama Canal Treaty of 1936](#)
- **Aug. 23:** *Nazi Germany* - [German-Soviet Non-Aggression Pact announced](#)
- **Aug. 20- Sept. 1:** *World War II* - [The Nazi Party-led Senate in Berlin voted to annex the League of Nations-administered Free City of Danzig, in violation of the League of Nations charter, raising the specter of a Franco-British invasion to protect the sovereignty of their treaty partner Poland and Danzig, itself. The Danzig Crisis came to a head, ultimately becoming World War II, when the German battleship *Schleswig-Holstein* opened fire on Danzig on September 1](#)
- **Sept. 1:** *World War II* - [German invasion of Poland](#)
- **Sept. 3:** *World War II* - [Britain and France declare war on Germany](#)
- **Sept. 17-Oct. 6:** *World War II* - [Soviet invasion of Poland](#)
- **Sept. 27:** *World War II* - [Poland surrenders to Germany](#)

- **Oct. 11:** President Roosevelt meets with Albert Einstein and other scientists; atomic bomb proposed
- **Nov. 3:** [U.S. Congress amends Neutrality Act to allow for the sale of arms to belligerent nations on a strictly cash and carry basis](#)
- **Nov. 30:** [“Winter War” between Finland and Soviet Union begins](#)

1940 Events

- **Feb. 29:** [Hattie McDaniel becomes the first African-American to win an Academy Award, for her performance as the house slave Mammy, in David O. Selznick’s adaptation of *Gone with the Wind*](#)
- **Mar. 12:** [“Winter War” ends with Finnish defeat and harsh territorial concessions](#)
- **April-May:** *World War II* – [the Katyn Massacre, also known as the Katyn Forest Massacre, a mass execution of an estimated 22,000-30,000 Polish nationals by occupying Soviets, begins](#)
- **Apr. 9:** *World War II* - [German invasion of Denmark and Norway](#)
- **May 10:** *World War II* - [German forces invade Belgium, Luxembourg, and the Netherlands; the Battle of France begins; Britain occupies Iceland; British Prime Minister Neville Chamberlain resigns and Winston Churchill becomes Prime Minister](#)
- **May 12:** *World War II* - [Germany by-passes the French Maginot Line and crosses the Meuse River near Sedan, France](#)
- **May 14:** *World War II* - [The Netherlands surrenders; government-in-exile is set up in Britain](#)
- **June 13:** *World War II* - [Germany occupies Paris](#)
- **June 22:** *World War II* - [Franco-German armistice](#)
- **July 2:** *World War II* - [German-allied French State, known colloquially as Vichy France after the location of its capital in the city of Vichy, government formed in the unoccupied territory of southern France](#)
- **Aug. 8:** *World War II* - [Battle of Britain begins](#)
- **Sept. 2:** *World War II* - [U.S.-British Destroyers for Bases Agreement, in which the United States Navy provided 50 twelve hundred-ton type destroyers to Britain in exchange for land rights on British possessions](#)
- **Sept. 13:** *World War II* - Italian forces invade British-held Egypt
- **Sept. 27:** *World War II* - [Three-Power Pact between Germany, Italy, and Japan signed](#)
- **Oct. 10:** *World War II* - Germany begins direct air bombardment of British cities
- **Oct. 28:** *World War II* - [Italian invasion of Greece](#)
- **Nov. 5:** [Franklin D. Roosevelt elected to a third term as President](#)
- **Dec. 8-12:** *World War II* - British counter-offensive against Italian forces in Egypt

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["Amendment of Neutrality Act."](#) Congressional Record, 76th Congress, 1st Session (Mar. 20, 1939) Vol. 84, pp. 2923-2927. ProQuest Congressional, CR-1939-0320

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["Commemorating the Life of Hattie McDaniel."](#) Congressional Record, 109th Congress, 2nd Session (Feb. 17, 2006) Vol. 152, p. 182. ProQuest Congressional, CR-2006-0217

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["Modification of the Neutrality Law--Petition."](#) Congressional Record, 76th Congress, 1st Session (Jan. 9, 1939) Vol. 84, pp. 134-135. ProQuest Congressional, CR-1939-0109

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["The Preservation of This Country and the Preservation of Security Is Vital Question Today."](#) Congressional Record, 77th Congress, 1st Session (Mar. 27, 1941) Vol. 87, pp. 2678-2682. ProQuest Congressional, CR-1941-0327

Roosevelt, Franklin D. [Czechoslovakia: Termination of Proclamations of trade agreement and protocol of amendment thereof.](#) Numbered Presidential Proclamations. Mar. 23, 1939, Presidential Proclamation No. 2326. ProQuest Congressional, 1939-PR-2326

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Major Acts

Reorganization Act of 1939. Provided for reorganization by Presidential plan subject to congressional veto within sixty days from submission. Also authorized the President to appoint six administrative assistants. As a consequence of the subsequent reorganization plans approved by Congress, the Executive Office of the President, the Federal Security Agency, the Federal Works Agency, and the Federal Loan Agency were created. Approved Apr. 3, 1939. ([53 Stat. 561, Chap. 36; PL76-19](#)) ([Regulatory History](#))

Neutrality Act of 1939. Repealed the arms embargo clause of the Neutrality Act of 1937, allowing belligerents to purchase armaments in the U.S. providing they paid cash and used their own ships for transportation. Approved November 4, 1939. ([54 Stat. 4, Chap. 2; PR76-54](#))

Federal Employees Political Activities Act of 1939 (Hatch Act). Prohibited any person employed in any administrative position by the Federal Government, or by any department, independent agency, or other agency of the United States, to use his official authority for the purpose of interfering with or affecting the election or the nomination of any candidate for the office of President, Vice President, Presidential elector, Senator, Representative, and Delegate or Commissioner from Territories or insular possessions. These same public officials were also prohibited from actively participating in political campaigns, soliciting or accepting contributions from work relief employees, and from making use of official authority or favors in order to interfere with or influence the outcome of Presidential or congressional elections. Approved Aug. 2, 1939. ([53 Stat. 1147, Chap. 410; PL76-252](#))

Social Security Amendments of 1939. Replaced average wages with total wages as the basis for computing old age benefits. Provided for supplementary old-age benefits for aged wives and extended old-age insurance coverage to maritime workers, persons earning wages after they reached 65, and employees of Federal instrumentalities. Increased the maximum Federal grant for each aged or blind person from \$15 to \$20 a month, and the Federal contribution toward State

aid to dependent children from one-third to one-half the amount granted to each person. Postponed the increase in the taxes to be paid by employers and employees until 1943. Approved Aug. 10, 1939. ([53 Stat. 1360, Chap. 666; PL76-379](#)) ([Regulatory History](#))

Alien Registration Act, 1940. Required all foreigners to register and be fingerprinted. Also made it unlawful to be a member of any organization that advocated the overthrow of the Government by force or violence, or to advocate or conspire to advocate such overthrow. Approved June 28, 1940. ([54 Stat. 670, Chap. 439; PL76-670](#)) ([Regulatory History](#))

Selective Training and Service Act of 1940. Provided for the registration of all men between 21 and 35 years of age, and for their training over a one-year period. Approved Sept. 16, 1940. ([54 Stat. 885; PL76-783](#)) ([Regulatory History](#))

Source:

Dell, Christopher and Stephen W. Stathis. [Major Acts of Congress and Treaties Approved by the Senate, 1789-1980](#). Government Division (CRS), Sept. 1, 1982. 97th Congress, 2nd Session, 82-156 GOV. ProQuest Congressional, CRS-1982-GOV-0005

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